

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
)
 v.) Criminal Docket No. WDQ-10-0770
) Volume VIII
 GERMAN de JESUS VENTURA and)
 KEVIN GARCIA FUERTES,)
 Defendants)
)

THE ABOVE-ENTITLED MATTER CONTINUED ON FOR
JURY TRIAL
BEFORE THE HONORABLE WILLIAM D. QUARLES, JR.

On behalf of the Government:

On behalf of Defendant German de Jesus Ventura:

On behalf of Defendant Kevin Garcia Fuertes:

A P P E A R A N C E S (CONT.)

Also present:

HSI Special Agent Edward Kelly
Victoria Kirchgessner, Spanish Interpreter
Marta Goldstein, Spanish Interpreter
Shelley Lorenzana-Blumberg, Spanish Interpreter

Reported by:

Martin J. Giordano, RMR, CRR, FOCR
U.S. Courthouse, Room 5515
101 West Lombard Street
Baltimore, Maryland 21201
410-962-4504

PROCEEDINGS OF APRIL 18, 2013

THE CLERK: All rise. The United States District Court for the District of Maryland is now in session, The Honorable William D. Quarles, Jr. presiding.

THE COURT: Good morning. Please be seated.

MR. RUTER: Your Honor, good morning.

THE COURT: Good morning.

MR. RUTER: Before the jury is called, Your Honor, if I could bring to the Court's attention: The Court was kind enough to give us a couple of hours yesterday afternoon in order for me to meet with Mr. Ventura concerning his possible testimony. I would ask the Court, Your Honor, as a result of that conference, to inquire of Mr. Ventura whether or not he wishes for me to continue to represent him, whether or not he wishes to have counsel replaced with new counsel, or whether or not he wishes to represent himself.

THE COURT: Okay. Well, first of all, he should understand that, at this point, his options are you or himself.

MR. RUTER: Your Honor, I want the record to be clear that I advised Mr. Ventura yesterday that it was my understanding, based upon the history of this case, that the Court -- I didn't say, "probably would not." I said, "I can't believe that His Honor would appoint new counsel," and I advised him of that yesterday afternoon.

1 **THE COURT:** Thank you.

2 Yes, Mr. Ventura? Good morning.

3 **DEFENDANT VENTURA:** Good morning. The problem I'm
4 having with my lawyer have been many. He has tried to keep
5 from me a lot of secrets.

6 **THE COURT:** Mr. Ventura, you're going over old
7 ground. If you have something new to tell me, this is the
8 time to tell me.

9 **DEFENDANT VENTURA:** The new thing I want to tell
10 you: When Ms. Franco gave her testimony, the gentleman asked
11 to have her brought back, but then my lawyer -- but I -- but I
12 didn't know that my lawyer had talked to Ms. Rebeca and the
13 prosecutors together with a translator, and he said he had a
14 criminal record of Ms. Rebeca and the medical record of
15 Ms. Rebeca, and, in that criminal record, that's the only way
16 to prove to the jury and -- the gentlemen and ladies of the
17 jury that that lady had worked before in prostitution, and had
18 been arrested in many places before she met me.

19 I wanted to have it in writing the name of the
20 person with whom she was living, she said was Alex, and all
21 the testimony she gave was false, and this gentleman never
22 asked her the questions I asked him to do, and I think that he
23 communicates with the prosecutors to study first the questions
24 that they want to ask, so nobody suspects here in court, but I
25 do suspect that.

1 **THE COURT:** Mr. Ventura, you've admitted that you're
2 not familiar with our system here. One of the things in our
3 system here is that attorneys get to make certain choices in
4 the evidence that they will present, the witnesses they will
5 call. These choices are often not understood by those who
6 have never tried a case before, let alone someone who lacks
7 the experience of someone who has tried dozens, if not more,
8 cases. So, under our system, we permit the Defense attorney
9 to make those kinds of tactical decisions.

10 **DEFENDANT VENTURA:** But the situation is this, Your
11 Honor. The situation is this, Your Honor: When I met
12 Ms. Rebeca, I was the one that asked her not to work in
13 prostitution.

14 **THE COURT:** I am not interested in hearing your
15 testimony twice. If you want to get on the witness stand --
16 quiet. Quiet.

17 **DEFENDANT VENTURA:** I'm sorry.

18 **THE COURT:** If you want to get on the witness stand
19 and testify about these matters, you'll be given the
20 opportunity. I will then hear the testimony. I have no
21 desire to hear the testimony twice.

22 Your turn.

23 **DEFENDANT VENTURA:** So there is proof that she lived
24 with another man in the medical records, and that's the dates
25 that she lived with another man, and all of her testimony is

1 false, and I don't want my lawyer to ask me any questions,
2 because he agrees with the prosecution. I have never been
3 prepared. This is an unfair trial, and everybody knows that.
4 And I am --

5 **THE COURT:** I would --

6 **DEFENDANT VENTURA:** I am a Hispanic man. I
7 understand that, if I was an African-American or a White
8 person, then it would be different. They would then hear my
9 pleadings and everything that has happened to me since I was
10 in jail.

11 **THE COURT:** Well, I am sorry you feel that way.
12 It's not a feeling that I share, and it's not a bias that I'm
13 motivated by, but I can understand, under these difficult
14 circumstances, your feeling that there is something unfair
15 about being prosecuted. Virtually all the people I know who
16 have been prosecuted feel that there has been something unfair
17 about the fact that they were prosecuted.

18 In any event, to get to your decision, Mr. Ventura,
19 the trial is not going to stop. You will not be given an
20 opportunity to hire a new attorney. Your choices are:
21 Proceed with Mr. Ruter, or represent yourself for the
22 remainder of the trial.

23 **DEFENDANT VENTURA:** Sir, if those are my options,
24 I'll take the last option that you say, not to represent
25 myself, but to just be here and hear -- to hear my sentencing,

1 because I have no other option.

2 **THE COURT:** Thank you.

3 Mr. Ruter, since the Defendant has not, in
4 unmistakable terms, asserted the right of self-representation,
5 you are -- I hate to do this to you -- still in as counsel for
6 Mr. Ventura.

7 Okay. Folks, please turn to the jury instructions,
8 and let me know when you're ready.

9 **MS. YASSER:** The Government's prepared, Your Honor.

10 **THE COURT:** Thank you.

11 **MR. RUTER:** Yes, Your Honor.

12 **MS. YASSER:** And I have handed up for Your Honor's
13 consideration a jury instruction that we discussed yesterday
14 with respect to --

15 **THE COURT:** Is this willful blindness or something
16 like that?

17 **MS. YASSER:** Yes, sir.

18 **THE COURT:** Okay. The Government's objections to
19 Court's Instruction 1?

20 **MS. YASSER:** No objection, Your Honor.

21 **THE COURT:** Mr. Ruter, Court's 1?

22 **MR. RUTER:** No, sir.

23 **THE COURT:** Mr. Montemarano, Court's 1?

24 **MR. MONTEMARANO:** No.

25 **THE COURT:** Court's 2, Mr. Montemarano?

1 **MR. MONTEMARANO:** No.

2 **THE COURT:** Mr. Ruter?

3 **MR. RUTER:** No, sir.

4 **THE COURT:** Government?

5 **MS. YASSER:** No, Your Honor.

6 **THE COURT:** Court's 3, Government?

7 **MS. YASSER:** No objection.

8 **THE COURT:** Mr. Ruter, I will, of course, need this
9 for Mr. Fuertes, and I will await the decision when we get to
10 the jury as to whether the next will be called.

11 Any objection, Mr. Montemarano, to Court's 3?

12 **MR. MONTEMARANO:** No, Your Honor.

13 **THE COURT:** Court's 4, Mr. Montemarano?

14 **MR. MONTEMARANO:** No, Your Honor.

15 **THE COURT:** I assume you've got no objection.

16 Mr. Ruter, again, I will hear from the Defendant
17 before making this decision.

18 **MR. RUTER:** Yes.

19 **THE COURT:** Government, objection to Court's 4?

20 **MS. YASSER:** No, Your Honor.

21 **THE COURT:** Court's 5, objections from the
22 Government?

23 **MS. YASSER:** No, Your Honor.

24 **THE COURT:** Mr. Ruter?

25 **MR. RUTER:** No, sir.

1 **THE COURT:** Mr. Montemarano?

2 **MR. MONTEMARANO:** No.

3 **THE COURT:** Court's 6, Mr. Montemarano?

4 **MR. MONTEMARANO:** No, Your Honor.

5 **THE COURT:** Mr. Ruter?

6 **MR. RUTER:** No, sir.

7 **THE COURT:** Ms. Yasser?

8 **MS. YASSER:** No, Your Honor.

9 **THE COURT:** Court's 7, Ms. Yasser?

10 **MS. YASSER:** No objection.

11 **MR. RUTER:** No, sir.

12 **MR. MONTEMARANO:** No.

13 **THE COURT:** Court's 8? Let me ask, first of all,

14 are there stipulations in this case?

15 **MS. YASSER:** There are not.

16 **THE COURT:** Okay. Then Court's 8 is out.

17 Court's 9, Mr. Montemarano?

18 **MR. MONTEMARANO:** No.

19 **THE COURT:** Mr. Ruter?

20 **MR. RUTER:** No. No, sir.

21 **MS. YASSER:** No, Your Honor.

22 **THE COURT:** Government?

23 Court's 10, Government?

24 **MS. YASSER:** No objection.

25 **THE COURT:** Mr. Ruter?

1 **MR. RUTER:** No, sir.

2 **THE COURT:** Mr. Montemarano?

3 **MR. MONTEMARANO:** Nope.

4 **THE COURT:** Let me start with the Government on
5 Court's 11? Are you going to argue silence is admission?

6 **MS. YASSER:** It sort of depends on possible
7 testimony, I believe, Your Honor.

8 **THE COURT:** Okay.

9 (Counsel conferring.)

10 **MS. YASSER:** Okay. We don't believe this
11 instruction is necessary, Your Honor.

12 **THE COURT:** Okay. Anyone who believes it's in,
13 necessary?

14 **MR. MONTEMARANO:** No, Your Honor.

15 **MR. RUTER:** No, Your Honor. That's fine.

16 **THE COURT:** Court's 11 is out.

17 Court's 12, Mr. Montemarano?

18 **MR. MONTEMARANO:** Okay by us.

19 **THE COURT:** Mr. Ruter?

20 **MR. RUTER:** Agreed.

21 **THE COURT:** Ms. Yasser?

22 **MS. YASSER:** No objection.

23 **THE COURT:** Court's 13, Ms. Yasser?

24 **MS. YASSER:** No objection.

25 **THE COURT:** Mr. Ruter?

1 **MR. RUTER:** Your Honor, if I could just say this. I
2 don't believe that any opinion was ever given by the expert,
3 Dr. Baker. It was a "by my experience," which is rather
4 considerable, Your Honor. I've never had an expert give the
5 kind of, quote, opinion, unquote, that Dr. Baker did, and I
6 don't think that it should be included, because she did not
7 give a professional opinion.

8 **THE COURT:** Okay. I understand that you have an
9 objection to it. Your objection is noted.

10 Mr. Montemarano, are you joining?

11 **MR. MONTEMARANO:** Not only would I join, but I would
12 also object to the phrasing of the instruction in the plural.
13 Dr. Baker was the only expert, as far as I recall, and,
14 therefore, there is at least -- there could be some confusion
15 on the part of the jury that somebody else was an expert.

16 **THE COURT:** Okay. We'll change it to "a witness"
17 and indicate throughout, through the grammar, that the
18 reference is to one witness.

19 **MR. MONTEMARANO:** On the part of Mr. Fuertes, we
20 actually would prefer that Dr. Baker be referenced by name --
21 "a witness, Dr. Baker, as an expert," so that it focuses the
22 jury appropriately.

23 **MR. RUTER:** No objection, Your Honor.

24 **THE COURT:** Hearing no objection, we will include
25 that.

1 Let me ask: Government, are you going to argue an
2 admission, Number 14?

3 **MS. YASSER:** Again, this would be -- I guess the
4 answer is, "No," Your Honor. There would be prior
5 inconsistent statements potentially, not admissions.

6 **THE COURT:** Okay. That's out.

7 Fifteen, Mr. Montemarano?

8 **MR. MONTEMARANO:** Fifteen? Fine, Your Honor.

9 **THE COURT:** Fifteen, Mr. Ruter?

10 **MR. RUTER:** No objection, sir.

11 **THE COURT:** Fifteen, Ms. Yasser?

12 **MS. YASSER:** No objection.

13 **THE COURT:** Sixteen, Ms. Yasser?

14 **MS. YASSER:** Your Honor, let me just pause for a
15 moment at 15. No objection.

16 Sixteen, no objection.

17 **THE COURT:** Okay. Mr. Ruter?

18 **MR. RUTER:** None.

19 **THE COURT:** Mr. Montemarano?

20 **MR. MONTEMARANO:** Nope.

21 **THE COURT:** Seventeen, let me start with Government.
22 You're going to argue prior inconsistent statement,
23 Government?

24 **MS. YASSER:** Potentially if the Defendant testifies.

25 **THE COURT:** Okay. But this is, again, optional

1 based on the testimonial decision?

2 **MS. YASSER:** I believe that, in terms of the
3 Government's case, yes, but I do believe that the Defense did
4 also impeach on prior inconsistent statement, so it would be
5 no objection on the basis of that.

6 **THE COURT:** Having it in? Okay.

7 Mr. Ruter?

8 **MR. RUTER:** Yeah. We did impeach, Your Honor. We
9 would ask this.

10 **THE COURT:** Mr. Montemarano?

11 **MR. MONTEMARANO:** We join.

12 **THE COURT:** Okay. Eighteen, Mr. Montemarano?

13 **MR. MONTEMARANO:** Well, I would object for the
14 record, because I hate this instruction, but I understand that
15 it's in the pattern. I don't object to the form of it. I
16 just object to the giving of it. Is that --

17 **THE COURT:** I'm inclined to strike the first
18 parenthetical, for example, which is a reference to
19 fingerprints and transmitting devices. Any objection from
20 anyone if I do that?

21 **MS. YASSER:** No objection, Your Honor.

22 **MR. RUTER:** No, sir.

23 **THE COURT:** And, on the second parenthetical, I
24 would leave the reference to recordings, but strike the
25 reference to fingerprints.

1 **MS. YASSER:** Yes, Your Honor.

2 **MR. RUTER:** Agreed, Your Honor.

3 **THE COURT:** So it would be, "no requirement to offer
4 recordings." We try to pull out "tape" wherever it's there.
5 These are obviously very old instructions when we had tape
6 recorders.

7 Number 19, Mr. Montemarano?

8 **MR. MONTEMARANO:** No problem.

9 **THE COURT:** Mr. Ruter?

10 **MR. RUTER:** No, sir.

11 **THE COURT:** Ms. Yasser?

12 **MS. YASSER:** No, Your Honor.

13 **THE COURT:** Number 20, Ms. Yasser?

14 **MS. YASSER:** No objection.

15 **THE COURT:** Mr. Ruter?

16 **MR. RUTER:** No, sir.

17 **THE COURT:** Mr. Montemarano?

18 **MR. MONTEMARANO:** No objection. And, as a matter of
19 clarity, Your Honor indicated earlier, I think during the
20 motions hearing, that you won't be sending the Indictment
21 back?

22 **THE COURT:** That has been my practice unless all the
23 parties agree that it goes back. I'm essentially going to end
24 up reading them the Indictment in the instructions anyway.
25 Thanks a lot, folks, for drafting a long Indictment.

1 **MR. MONTEMARANO:** Will you be sending the
2 instructions back in written form?

3 **THE COURT:** Yes.

4 **MR. MONTEMARANO:** Then fine. Thank you, Your Honor.

5 **THE COURT:** Okay.

6 **MR. MONTEMARANO:** No problem with 20 --

7 **THE COURT:** Mr. Ruter, 20?

8 **MR. RUTER:** No, sir.

9 **THE COURT:** Government, 20?

10 **MS. YASSER:** No objection.

11 **THE COURT:** Twenty-one, Government?

12 **MS. YASSER:** No objection, Your Honor.

13 **THE COURT:** Twenty-one, Mr. Ruter?

14 **MR. RUTER:** No.

15 **THE COURT:** Twenty-one, Mr. Montemarano?

16 **MR. MONTEMARANO:** No.

17 **THE COURT:** Twenty-two, Mr. Montemarano, all 900
18 pages of it?

19 **MR. MONTEMARANO:** As I recall, there was -- I'm
20 trying to figure out where this one ends. That's my only
21 concern.

22 **THE COURT:** It ends on Page 42.

23 **MR. MONTEMARANO:** Yes. I don't believe there was an
24 objection on our part.

25 **THE COURT:** Okay. Mr. Ruter?

1 MR. RUTER: No objection.

2 THE COURT: Government?

3 MS. YASSER: No objection, Your Honor.

4 THE COURT: Twenty-three, Government?

5 MS. YASSER: No objection.

6 THE COURT: Mr. Ruter?

7 MR. RUTER: No objection.

8 THE COURT: Mr. Montemarano?

9 MR. MONTEMARANO: No, Your Honor.

10 THE COURT: Twenty-four, Mr. Montemarano?

11 MR. MONTEMARANO: No.

12 THE COURT: Mr. Ruter?

13 MR. RUTER: No, sir.

14 THE COURT: Government?

15 MS. YASSER: No, Your Honor.

16 THE COURT: Ms. Yasser, 25?

17 MS. YASSER: No objection.

18 THE COURT: Mr. Ruter?

19 MR. RUTER: No, sir.

20 THE COURT: Mr. Montemarano?

21 MR. MONTEMARANO: No.

22 THE COURT: Twenty-six, Mr. Montemarano?

23 MR. MONTEMARANO: Yes, Your Honor. On Page 50, 5-0,

24 we would reiterate our objection to the second full paragraph

25 on that page, beginning, "Thus," which was referenced in my

1 proposed jury instruction objections to the Government's
2 initial proposed instructions.

3 **THE COURT:** Okay. You have your objection.

4 **MR. MONTEMARANO:** Thank you, Your Honor.

5 **THE COURT:** Mr. Ruter, are you joining?

6 **MR. RUTER:** I am, sir.

7 **THE COURT:** Very good.

8 Government, any objection?

9 **MS. YASSER:** No, Your Honor.

10 **THE COURT:** Okay. The instruction stands as
11 objected to.

12 Number 27, Mr. Montemarano?

13 **MR. MONTEMARANO:** No objection, Your Honor.

14 **THE COURT:** Mr. Ruter?

15 **MR. RUTER:** No objection.

16 **THE COURT:** Government?

17 **MS. YASSER:** No, Your Honor.

18 **THE COURT:** Number 28, Government?

19 **MS. YASSER:** No objection.

20 **THE COURT:** Mr. Ruter?

21 **MR. RUTER:** No, sir.

22 **THE COURT:** Mr. Montemarano?

23 **MR. MONTEMARANO:** No, Your Honor.

24 **THE COURT:** Twenty-nine, Mr. Montemarano?

25 **MR. MONTEMARANO:** No, Your Honor.

1 **THE COURT:** Mr. Ruter?

2 **MR. RUTER:** No, sir.

3 **THE COURT:** Government?

4 **MS. YASSER:** No objection.

5 **THE COURT:** Thirty, Government?

6 **MS. YASSER:** No objection.

7 **THE COURT:** Mr. Ruter?

8 **MR. RUTER:** Your Honor, I think there will be, which
9 Mr. Montemarano would probably take the lead on explaining.

10 **THE COURT:** Mr. Montemarano, as to 30, objections?

11 **MR. MONTEMARANO:** Yes, Your Honor. It's our view,
12 based upon the language in Sand & Siffert, that there is a
13 requirement that a particular individual be identified with
14 regard to this. Our view is that there must be the moving not
15 generally, but of a person, and the jury must be unanimous as
16 to a person having been transported to fulfill this.

17 For the sake of discussion, Your Honor -- I'm not
18 suggesting evidence suggests this or anything else -- we heard
19 evidence about Ms. Dueñas and Ms. Santiago, both of whom were
20 admitted to having been prostitutes for Mr. Ventura. If half
21 the jury believed Ms. Dueñas was moved, or Ms. Franco, and
22 half the jury felt Ms. Santiago had been moved, that would not
23 be unanimity for the purpose of the statute and, therefore,
24 the --

25 **THE COURT:** I take your point, and I will make one

1 editorial addition so that it is clear that the jury must
2 agree that the same individual -- all the jury must agree that
3 the same individual was moved.

4 Any objection, Government?

5 **MS. YASSER:** Well, the only fear, Your Honor, is
6 that that might impliedly suggest that the jury has to know
7 the individuals and/or the identity of the individuals, which
8 is very clearly not the case.

9 **THE COURT:** I understand that, but, again, he does
10 have a unanimity argument, which has some weight, I think.

11 **MS. YASSER:** Yeah. I mean, I see his point, and
12 it's well taken. I just want to make sure that it's carefully
13 scripted so as --

14 **THE COURT:** It will also -- the instruction will
15 also indicate that this does not mean that the jury must know
16 the identity of the individual that they find to have been
17 moved in interstate transportation, but all of them must agree
18 that a particular, or all of them must agree on the particular
19 individual that they find has been moved.

20 **MS. YASSER:** I'm sorry. On the particular
21 transportation? The unit is the transportation.

22 **THE COURT:** Yes, the transportation.

23 Anyone else want to be heard on 30?

24 **MR. MONTEMARANO:** Not for the Defense, Your Honor.

25 Thank you.

1 **MR. RUTER:** Thank you, Your Honor. No.

2 **THE COURT:** Okay. Knowingly, Government, 31?

3 **MS. YASSER:** No objection, Your Honor.

4 **THE COURT:** Mr. Ruter, 31?

5 **MR. RUTER:** No, sir. No, sir.

6 **THE COURT:** Mr. Montemarano, 31?

7 **MR. MONTEMARANO:** No, Your Honor.

8 **THE COURT:** Mr. Montemarano, 32?

9 **MS. YASSER:** I apologize, Your Honor. I do feel
10 that this would be possibly the appropriate place to discuss
11 deliberate indifference.

12 **THE COURT:** Okay. I will review the instruction,
13 and, if I determine that it will be given, it will be given
14 after 31. It will be the new 32. And of course I will give
15 you all a chance to be heard on it, and I have not decided
16 that it goes in, but, if it goes in, that's where it would go.

17 Anyone wish to be heard on 32, an objection?

18 **MR. RUTER:** Not from Mr. Ventura.

19 **MR. MONTEMARANO:** No, Your Honor.

20 **MS. YASSER:** No, Your Honor.

21 **THE COURT:** Thirty-three, Mr. Montemarano?

22 **MR. MONTEMARANO:** No, Your Honor.

23 **THE COURT:** Mr. Ruter?

24 **MR. RUTER:** No, sir.

25 **THE COURT:** Government?

1 **MS. YASSER:** No, Your Honor.

2 **THE COURT:** Thirty-four, Ms. Yasser?

3 **MS. YASSER:** No objection.

4 **THE COURT:** Mr. Ruter?

5 **MR. RUTER:** No, sir.

6 **THE COURT:** Mr. Montemarano?

7 **MR. MONTEMARANO:** I'm not sure the purpose to this
8 based upon the evidence that's been adduced, Your Honor. I
9 have not --

10 **THE COURT:** Is anyone going to argue it? I assume
11 the inarguable motive here is money?

12 **MS. YASSER:** Yes, Your Honor.

13 **THE COURT:** Which is clear.

14 **MR. MONTEMARANO:** Is that an understood coefficient
15 of one in human affairs.

16 **THE COURT:** Any objection to my striking of 34?

17 **MR. MONTEMARANO:** Not by Mr. Fuertes.

18 **MS. YASSER:** No, Your Honor.

19 **MR. RUTER:** No, Your Honor.

20 **THE COURT:** Thirty-four is out.

21 Thirty-five, Ms. Yasser?

22 **MS. YASSER:** No objection.

23 **THE COURT:** Mr. Ruter?

24 **MR. RUTER:** No, sir.

25 **THE COURT:** Mr. Montemarano?

1 **MR. MONTEMARANO:** No, Your Honor.

2 **THE COURT:** Thirty-six, Mr. Montemarano?

3 **MR. MONTEMARANO:** Just for the record, Your Honor,
4 I've got no objections through 39. I'm not charged in that
5 count.

6 **THE COURT:** Okay.

7 **MR. RUTER:** No objection, Your Honor.

8 **THE COURT:** Government, 36?

9 **MS. YASSER:** Yes, Your Honor. I believe we had one
10 addition, if I could address it. Just a definition. I think
11 there was argument by Mr. Ruter, an attempt to elicit some
12 line of questioning regarding the enticement or inducement
13 language, and so I think it would be appropriate to provide a
14 definition of "induce," which we've provided in our response
15 to the Defendant's objections, and it's from *United States*
16 *versus Daniels*, and it's a definition that "induce" can be
17 defined as to lead or move by influence or persuasion, to
18 prevail upon, or, alternatively, to stimulate the occurrence
19 of; to cause.

20 And the reason that that's important is because this
21 particular count has to do with Mr. Ventura's enticement of
22 Margarita Santiago, a woman who was, by all accounts, a
23 voluntary participant in the prostitution trade, but, by
24 offering her work in Maryland, that is what, in fact, enticed
25 her or induced her to come to Maryland. It's important that

1 the jury understands that voluntariness is not at issue here,
2 that "induce" can just mean to cause.

3 **THE COURT:** Okay. Any objection to the addition?

4 **MR. RUTER:** No, Your Honor. I understand.

5 **THE COURT:** Mr. Montemarano?

6 **MR. MONTEMARANO:** No, Your Honor.

7 **THE COURT:** Thirty-seven, Mr. Montemarano?

8 **MR. MONTEMARANO:** No, Your Honor.

9 **THE COURT:** Mr. Ruter?

10 **MR. RUTER:** No, sir.

11 **THE COURT:** Ms. Yasser?

12 **MS. YASSER:** No objection.

13 **THE COURT:** Thirty-eight, Ms. Yasser?

14 **MS. YASSER:** No objection.

15 **THE COURT:** Mr. Ruter?

16 **MR. RUTER:** No, sir.

17 **THE COURT:** Mr. Montemarano?

18 **MR. MONTEMARANO:** No.

19 **THE COURT:** I think we might have ventured into --
20 any objection?

21 **MR. MONTEMARANO:** No, Your Honor.

22 **THE COURT:** Thirty-nine?

23 **MS. YASSER:** No objection.

24 **MR. RUTER:** No, sir.

25 **THE COURT:** Mr. Montemarano?

1 **MR. MONTEMARANO:** No.

2 **THE COURT:** Forty, you said this is -- forty,
3 Mr. Montemarano?

4 **MR. MONTEMARANO:** No.

5 **THE COURT:** Any objection?

6 Forty, Mr. Ruter?

7 **MR. RUTER:** No, sir.

8 **THE COURT:** Forty, Government?

9 **MS. YASSER:** No objection.

10 **THE COURT:** Ms. Yasser, 41?

11 **MS. YASSER:** No objection. Oh, wait a minute.

12 Yeah. No objection.

13 **THE COURT:** Mr. Ruter, 41?

14 **MR. RUTER:** Your Honor, as to 41, although it may be
15 more appropriate as to Number 43, but, just to make sure
16 that's -- I have a chance to discuss it, Your Honor, what I am
17 concerned about is the fact that there has been evidence
18 adduced from other witnesses other than Ms. Franco that deal
19 with the issue of force or fraud or coercion, and it's my
20 position that, as to Count 6, which alleges only conduct of
21 Mr. Ventura relative to Ms. Franco that the jury instructions
22 have to be fashioned as to Ms. Franco.

23 So, as an example, Your Honor, if there was any
24 testimony of any force or fraud or coercion of another person
25 and Ms. Franco didn't know about it, then it couldn't be

1 considered against Mr. Ventura as it relates to Ms. Franco in
2 Count 6, and I am concerned not only about Instruction 41; the
3 same would apply to 42, and the same would apply to 43,
4 because they're all specific as to Ms. Franco. And I'm very
5 concerned, as an example, Your Honor, which this is more akin
6 to perhaps 42 or 43, taking --

7 **THE COURT:** Any objection, Government, to limiting
8 41 to Ms. Franco?

9 **MS. YASSER:** No, Your Honor. It is with respect to
10 Ms. Franco, and, actually, I think Mr. Ruter makes a good
11 point, and the Government did propose language in its initial
12 instructions to get to this, and, if I can quote from it, Your
13 Honor, you might find it appropriate. It has to do with both
14 a climate of fear in general, but also Mr. Ruter's concern
15 that the jury only consider the acts to which she was aware,
16 and this is the language: You may also consider whether the
17 Defendant's conduct gave rise to a climate of fear that
18 overcame the will of the alleged victim. A climate of fear
19 that overcame the will of the victim may arise not only from a
20 defendant's threats and other acts directed at the victim
21 herself, but also from conduct directed at others of which the
22 victim is aware.

23 **MR. MONTEMARANO:** The Court's indulgence.

24 What page is that?

25 **MS. YASSER:** It's Page 40 and 41 of the Government's

1 initial suggestion.

2 **MR. MONTEMARANO:** The Court's indulgence, if
3 Mr. Ruter and I could consult.

4 (Counsel conferring.)

5 **MR. RUTER:** Your Honor, if I could say, I haven't
6 reviewed that in detail, but I do want the Court to know that
7 part of what I'm really concerned about is this atmosphere of
8 fear in that what it's going to do, I think --

9 **THE COURT:** If you have an objection to the
10 Government's proposal --

11 **MR. RUTER:** Oh, I do.

12 **THE COURT:** -- it is sustained; however, we will
13 limit it to Ms. Franco.

14 **MR. RUTER:** Your Honor, could I also suggest some
15 language to the Court, because, quite frankly, I was hoping to
16 have a little bit clearer understanding for the jury as
17 relates to 41, 42, and 43? And that language, Your Honor,
18 which is in my hen scratching, says that you may have heard
19 testimony concerning alleged acts -- alleged specific acts of
20 violence or threats of violence not directed at the witness,
21 Rebeca Dueñas Franco. You are instructed that such evidence,
22 if any, is to be considered by you only for purposes of
23 determining guilt or innocence as to Count 1 only, unless you
24 find that such evidence of acts -- such specific acts of
25 violence or threats of violence were known to Rebeca Dueñas

1 Franco. Only if you find that such specific alleged acts of
2 violence or threats of violence were known to Rebeca Dueñas
3 Franco may you consider such evidence and the weight to give
4 such evidence, if any, in considering the guilt or innocence
5 of Mr. Ventura as it relates to Count 6.

6 **THE COURT:** Is the Government joining the request?

7 **MS. YASSER:** No, Your Honor.

8 **THE COURT:** It is denied.

9 **MR. CUNNINGHAM:** Your Honor --

10 **THE COURT:** Yes?

11 **MR. CUNNINGHAM:** May I just step out momentarily,
12 Your Honor?

13 **THE COURT:** Sure. Forty-two, Government?

14 **MS. YASSER:** Yes, Your Honor. It just appears, with
15 respect to the first element of the offense, while the
16 "benefit financially" language was included in Instruction 41,
17 it appears to be omitted from 42. There is an alternative
18 here. The first element of the offense, as reflected in
19 Instruction 41, is that the Defendant either knowingly
20 recruited, enticed, harbored, transported, provided, or
21 obtained a person by any means, or benefited financially or by
22 receiving anything of value from participation in such a
23 venture. So Instruction Number 42 should reflect that same
24 alternative.

25 **THE COURT:** We will find an appropriate place for

1 the financial value. The financial benefit, rather, and I'm
2 not sure it's here.

3 **MS. YASSER:** Your Honor, it is the first element of
4 the offense, and I think that's where we are with 42. Again,
5 the statute reads -- and I can pull the Indictment if you give
6 me a moment, but there is essentially two alternative ways to
7 meet the first element of a § 1591 charge. First is by
8 actually doing the harboring, recruiting, obtaining, or
9 maintaining on your own, and the second way is to simply
10 benefit financially from a venture engaged in that activity,
11 and that is actually the Government's theory as to the first
12 element with respect to Fuertes.

13 **THE COURT:** Okay. I will include it, then.

14 **MS. YASSER:** Thank you, Your Honor.

15 **THE COURT:** Defense, 42?

16 **MR. MONTEMARANO:** No, Your Honor.

17 **THE COURT:** Mr. Ruter?

18 **MR. RUTER:** No, sir. The same -- I would ask the
19 same instruction, Your Honor, as to 42 as to 41, which the
20 Court has denied.

21 **MR. MONTEMARANO:** Subject to those --

22 **THE COURT:** Okay.

23 **MR. MONTEMARANO:** -- prior objections.

24 **THE COURT:** Yes, they are included.

25 Forty-three, Mr. Montemarano?

1 **MR. MONTEMARANO:** No, Your Honor.

2 **THE COURT:** Mr. Ruter?

3 **MR. RUTER:** Of course just the same objections
4 already noted, Your Honor.

5 **THE COURT:** Yes.

6 Ms. Yasser, 43?

7 **MS. YASSER:** I would like the opportunity to just
8 argue very briefly for a couple legal requirements that I
9 think the jury would benefit from hearing, and I think the
10 first has to do with the use of this climate of fear with
11 respect to Ms. Dueñas, and that's *U.S. v. Harris* and *U.S. v.*
12 *Booker*, which essentially establishes that it's enough to show
13 that the Defendant's use of threats, force, fraud, deception,
14 or coercion were sufficient to compel or were sufficient to
15 give rise to a climate of fear that would compel a reasonable
16 person in the alleged victim situation to comply with the
17 Defendant's demands in light of the totality of the
18 Defendant's conduct, the surrounding circumstances, and any
19 vulnerabilities of the victim. That's number one.

20 The second one has to do with escape, Your Honor,
21 and I imagine that the Defense would be arguing that
22 Ms. Dueñas had an opportunity to escape and they should
23 consider that in deciding whether force, fraud, or coercion
24 was used, and the case law is clear with respect to
25 involuntary servitude cases that the Government does not need

1 prove physical restraint, such as the use of chains, barbed
2 wire, or locked doors, in order to establish the offense of
3 sex trafficking. The fact that an alleged victim may have had
4 an opportunity to escape is irrelevant if the Defendant placed
5 her in such fear or circumstances that she did not reasonably
6 believe she could leave. A victim is under no affirmative
7 duty to escape.

8 **THE COURT:** Okay.

9 **MS. YASSER:** And then, finally, with respect to the
10 initial voluntariness of a victim of sex trafficking, in this
11 particular case, Ms. Dueñas was already engaged in
12 prostitution when she met the Defendant. I think it's
13 important for the jury to know that the fact that an alleged
14 victim may have initially acquiesced in prostitution does not
15 preclude a finding that the victim was compelled to perform
16 the sexual acts thereafter.

17 **THE COURT:** Okay. Mr. Ruter, are you joining the
18 Government's change?

19 **MR. RUTER:** I am not.

20 **THE COURT:** Okay. It is denied.

21 Forty-four, Government?

22 **MS. YASSER:** No objection, Your Honor.

23 **THE COURT:** Mr. Ruter?

24 **MR. RUTER:** No objection, Your Honor.

25 **THE COURT:** You're not in, Mr. Montemarano?

1 **MR. MONTEMARANO:** Oh, we're good, Your Honor. I'm
2 sorry.

3 **THE COURT:** Forty-five?

4 **MR. RUTER:** No objection from -- I'm sorry, Your
5 Honor.

6 **MR. MONTEMARANO:** Your Honor, we would object to the
7 references in the instruction to specific forms of conduct.
8 Transporting a person across state lines for a commercial
9 purpose is conduct in interstate commerce.

10 **THE REPORTER:** I'm sorry. One more time. One more
11 time.

12 **MR. MONTEMARANO:** Transporting a person across state
13 lines for a commercial purpose is conduct in interstate
14 commerce. That is Sentence 2 of Paragraph 2.

15 Likewise, the last sentence, for example, the use of
16 hotels that service interstate travelers or the use of condoms
17 that traveled in interstate commerce --

18 **THE REPORTER:** I'm sorry. I can't -- a little
19 slower.

20 **MR. MONTEMARANO:** For example, the use of hotels
21 that service interstate travelers or the use of condoms that
22 traveled in interstate commerce is conduct that affects
23 interstate commerce. Mr. Ruter already explained movement of
24 persons, movements of goods. I think the instruction is
25 otherwise adequately clear.

1 **THE COURT:** Mr. Ruter, are you joining?

2 **MR. RUTER:** I'm happy to join, Your Honor, yes.

3 **THE COURT:** Is the Government joining?

4 **MS. YASSER:** No, Your Honor.

5 **THE COURT:** It is denied.

6 Forty-six, Government?

7 **MS. YASSER:** No objection.

8 **THE COURT:** Mr. Ruter?

9 **MR. RUTER:** No objection, Your Honor.

10 **MR. MONTEMARANO:** No objection from Mr. Fuertes
11 there. The firearm doesn't apply to him.

12 **THE COURT:** Forty-seven, I assume same,
13 Mr. Montemarano? No objection?

14 **MR. MONTEMARANO:** Yes, sir.

15 **THE COURT:** Forty-seven, Mr. Ruter?

16 **MR. RUTER:** No, sir.

17 **THE COURT:** Government?

18 **MS. YASSER:** No objection.

19 **THE COURT:** Forty-eight, Government?

20 **MS. YASSER:** No objection.

21 **THE COURT:** Mr. Ruter?

22 **MR. RUTER:** No objection, sir.

23 **MR. MONTEMARANO:** No objection.

24 **THE COURT:** Forty-nine, Mr. Montemarano?

25 **MR. MONTEMARANO:** No objection.

1 **THE COURT:** Mr. Ruter?

2 **MR. RUTER:** No objection.

3 **THE COURT:** Government?

4 **MS. YASSER:** No objection.

5 **THE COURT:** Fifty, Government?

6 **MS. YASSER:** No objection.

7 **MR. RUTER:** No, sir.

8 **THE COURT:** Mr. Ruter?

9 **MR. MONTEMARANO:** No objection, Your Honor.

10 **THE COURT:** Mr. Montemarano?

11 **MR. MONTEMARANO:** No.

12 **THE COURT:** Final instruction, Mr. Montemarano?

13 **MR. MONTEMARANO:** No objection, Your Honor.

14 **THE COURT:** Mr. Ruter?

15 **MR. RUTER:** No, sir.

16 **THE COURT:** Ms. Yasser?

17 **MS. YASSER:** No objection.

18 **THE COURT:** Now, you have the draft for me of
19 something?

20 **MS. YASSER:** I do, Your Honor. I handed it up to
21 your trusty law clerk. It's a draft of the deliberate
22 conscious avoidance or deliberately closing your eyes
23 instruction. If you'd like another copy, I can hand that up.

24 **THE COURT:** Oh, by the way, in the instructions, we
25 referred, as the Indictment refers, to "RDF." Is there anyone

1 here who wants the full name used?

2 **MS. YASSER:** That would be fine, Your Honor. It
3 doesn't --

4 **MR. RUTER:** We'd like it to be used.

5 **THE COURT:** We'll use full name.

6 **MS. YASSER:** And I do have one thing with regard to
7 the verdict sheet.

8 **THE COURT:** Okay.

9 **MS. YASSER:** With respect to Question 1 --

10 **THE COURT:** Wait a minute.

11 **MR. MONTEMARANO:** Of which one, Ms. Yasser?

12 **MS. YASSER:** This is the verdict form.

13 **MR. MONTEMARANO:** Which one? There are separate
14 ones with --

15 **MS. YASSER:** Oh, I'm sorry. It's with respect to
16 both of them. It's the conspiracy count.

17 **MR. MONTEMARANO:** Oh.

18 **THE COURT:** Yes?

19 **MS. YASSER:** It actually -- and I always confuse
20 these words -- the disjunctive versus the conjunctive. It has
21 an "and," and it should be an "or," between "conspiracy to
22 transport an individual," or -- and it should say, "or to --"

23 **THE REPORTER:** A little slower, because I don't have
24 it in front of me. I'm sorry.

25 **MS. YASSER:** I apologize. The instruction reads, or

1 the verdict form reads, "How do you find the Defendant as to
2 Count 1, conspiracy to transport an individual in interstate
3 commerce for prostitution, an illegal sexual activity, and to
4 persuade, induce, entice," et cetera. That should read "or."
5 Those are two different objectives of the conspiracy, and both
6 need not be met.

7 **THE COURT:** Okay.

8 **MS. YASSER:** And then, with respect to Question 2,
9 which, again, applies to both defendants, I believe it should
10 say, "from on or about September 2008 through March 2009."

11 **THE COURT:** Defense?

12 **MR. RUTER:** Your Honor, we don't think there is any
13 necessity of changing 1 or 2. As to Page 2, however, Your
14 Honor --

15 **THE COURT:** Yes?

16 **MR. RUTER:** -- we would request language following
17 Number 6 that indicates that, in the event that you find
18 Mr. Ventura not guilty of Count 6, then you need not consider,
19 or, rather, you must find him not guilty of Count 7, since
20 Count 7's object is Count 6.

21 **THE COURT:** Government?

22 **MS. YASSER:** I don't know that I have any objection
23 to some language of that sort. Obviously, if the jury came
24 back and had checked 7 without checking 6, we would have a
25 problem.

1 **THE COURT:** Okay.

2 **MR. RUTER:** Thank you, Your Honor.

3 **THE COURT:** So we will stop the deliberation if
4 the -- if the answer is not guilty to 6, they need not
5 consider 7?

6 **MS. YASSER:** That's correct.

7 **THE COURT:** Okay. Now, the Government proposal,
8 Madam Clerk?

9 **MS. YASSER:** If I may, Your Honor, I can approach
10 with that?

11 **THE COURT:** Yes, thank you.

12 (Document tendered to the Court.)

13 **THE COURT:** Thank you.

14 Any objection, Mr. Ruter?

15 **MR. RUTER:** Your Honor, I have no objection, but
16 it's not relevant, quite frankly, as to Mr. Ventura.

17 **THE COURT:** Mr. Montemarano?

18 **MR. MONTEMARANO:** I would object in most uncertain
19 terms, Your Honor, if I could.

20 **THE COURT:** Uncertain?

21 **MR. MONTEMARANO:** I submit to the Court that this
22 constitutes an impermissible reduction of the Government's
23 burden. Conscious avoidance is not the standard. I invite
24 the Court's attention to the present. Can Your Honor see this
25 on the full screen?

1 **THE COURT:** Yes.

2 **MR. RUTER:** Because I've only got a mini screen back
3 here, so I want to make sure you can see it. If you look,
4 Your Honor, where I am pointing with my pen, "Even if the
5 evidence does not establish actual knowledge, this element is
6 satisfied if you find the Government --"

7 **INTERPRETER GOLDSTEIN:** Excuse me. The Interpreter
8 requests --

9 **MR. MONTEMARANO:** I know.

10 **INTERPRETER GOLDSTEIN:** -- that the attorney not --

11 **MR. MONTEMARANO:** My bad. Let me start again.

12 **INTERPRETER GOLDSTEIN:** -- speak so fast. Thank
13 you.

14 **MR. MONTEMARANO:** "Even if the evidence does not
15 establish actual knowledge, this element is satisfied if you
16 find that the Government has proved, beyond a reasonable
17 doubt, that the Defendant acted with reckless disregard of the
18 facts concerning the use of coercion."

19 Reckless disregard is a higher standard than
20 conscious avoidance, Your Honor, and, by the Government
21 suggesting that conscious avoidance as the standard, they are
22 diminishing their burden of proof. If the Court wishes to
23 instruct on this aspect of Count 6, we submit that using the
24 language from Sand & Siffert -- and this is Instruction 47A-21
25 of the most recent amendment of November 2002 of Sand &

1 Siffert found at Page 47A-39. We would request that the
2 sentence I read be added, and then the definition of "reckless
3 disregard," which follows in sentence 2.

4 **MS. YASSER:** If I may?

5 **THE COURT:** Yes.

6 **MS. YASSER:** This particular instruction speaks to
7 the knowing requirement, and knowingly -- conscious avoidance
8 has always been a part of the knowingly instruction and, where
9 appropriate, where it's developed over the course of trial,
10 where a defendant may have turned a blind eye to facts, that
11 that could be used to establish knowing participation or
12 knowing about a certain element.

13 In this particular case, the evidence as it was
14 adduced from the victim is that Defendant Fuertes was present
15 on an occasion where she was beaten, after which time she
16 continued to, as a result, participate in prostitution to the
17 benefit of Defendant Fuertes and Defendant Ventura.

18 The Defendant Fuertes did not inflict the violence
19 upon Ms. Dueñas, and that is not the Government's theory.

20 **THE COURT:** I understand your theory. I'll let you
21 know the decision.

22 Government, how long will you be in opening?

23 **MS. YASSER:** Your Honor, collectively, we believe
24 we'll take approximately two hours.

25 **THE COURT:** Any idea how much of that is going to be

1 your opening close?

2 **MS. YASSER:** Approximately an hour and a half.

3 **THE COURT:** Okay.

4 **MS. YASSER:** It depends on the decision with respect
5 to the Defendant as well.

6 **THE COURT:** Two, or five?

7 **MS. YASSER:** Five, please.

8 **THE COURT:** Mr. Ruter, how long will you be in
9 closing?

10 **MR. RUTER:** Your Honor, I really do not think it
11 would be past 45 minutes.

12 **THE COURT:** Two, or five?

13 **MR. RUTER:** Five would be great. Thank you.

14 **THE COURT:** Mr. Montemarano?

15 **MR. MONTEMARANO:** I'm going to ask for an hour
16 solely to reserve that much time. I also think I'm going to
17 be under 45, and I would hope actually drastically under.

18 **THE COURT:** Two, or five?

19 **MR. MONTEMARANO:** Five, please.

20 **THE COURT:** And the remainder of your two hours,
21 Government, for rebuttal.

22 **MS. YASSER:** Thank you, Your Honor.

23 **MR. MONTEMARANO:** And Your Honor will be instructing
24 after?

25 **THE COURT:** Yes. And I will let you know what the

1 decision is with respect to willful blindness.

2 I'll be back out, Madam Clerk, at 20 minutes before
3 11:00. If you will tell the jury we will call for them then.

4 **THE CLERK:** Yes, sir.

5 **THE COURT:** Thank you.

6 **THE CLERK:** All rise. This Honorable Court now
7 stands in recess.

8 (Recess taken, 10:19 a.m. - 10:37 a.m.)

9 **THE CLERK:** All rise. This Honorable Court now
10 resumes in session.

11 **THE COURT:** Counsel, will either defendant be
12 introducing evidence?

13 **MR. RUTER:** Your Honor, if I could be heard first.
14 Your Honor, as to Mr. Ventura, I unfortunately still do not
15 know what Mr. Ventura's decision is, and I was going to ask
16 the Court -- I'm talking about his testifying, Your Honor.

17 **THE COURT:** Yes.

18 **MR. RUTER:** I was going to ask the Court before the
19 jury came out, if you'd be so kind, Your Honor, to inquire yet
20 again as to whether he was going to take the witness stand so
21 I would know before the jury came out so as to avoid any
22 possible prejudice of Mr. Ventura in that brief moment when I
23 don't know whether he will or will not testify.

24 **THE COURT:** Mr. Ventura, will you be taking the
25 witness stand?

1 **DEFENDANT VENTURA:** Yes. Yes, Your Honor.

2 **THE COURT:** Okay. And, Ms. Yasser, we will be using
3 the reckless disregard standard instruction.

4 Belinda, we're going to have evidence first.

5 **THE CLERK:** Yes.

6 **THE COURT:** Ready for the jury, folks?

7 **MR. RUTER:** Yes, Your Honor. Thank you very much.

8 **MR. MONTEMARANO:** By Your Honor suggesting we were
9 going to be using the reckless disregard standard, I was
10 asking Maryann if she needed a copy of the instruction.

11 **THE COURT:** I think she has it.

12 **MR. MONTEMARANO:** I wasn't sure you had it in
13 chambers.

14 **THE COURT:** These kids have computers and stuff
15 these days.

16 (Laughter.)

17 **MR. MONTEMARANO:** Amen. All I know about it is
18 paying for them.

19 **THE COURT:** All that newfangled stuff.

20 **MR. MONTEMARANO:** Don't Twitter, don't Facebook,
21 don't do much of anything.

22 (Jury enters.)

23 **THE COURT:** Please be seated.

24 Good morning, members of the jury.

25 **JURORS:** Good morning.

1 **THE COURT:** First of all, my apologies for the late
2 start. Let me assure you that we were using the time to our
3 mutual advantage.

4 I understand Ms. Yasser, Mr. Cunningham, the
5 Government has rested; is that correct?

6 **MR. CUNNINGHAM:** Yes, Your Honor, conditioned on
7 publishing evidence to the jury.

8 **THE COURT:** Thank you.

9 Mr. Ruter?

10 **MR. RUTER:** Your Honor, could I call Mr. German
11 Ventura to the stand, please?

12 **THE COURT:** Yes. Please take the witness stand.

13 **THE CLERK:** Please stand and raise your right hand.

14 **GERMAN de JESUS VENTURA**

15 **WAS THEN DULY SWORN TO TELL THE TRUTH**

16 **THE CLERK:** Thank you. Be seated.

17 If you'll pull up, pull the mic, state your name for
18 the record, please.

19 **THE WITNESS:** German de Jesus Ventura.

20 **DIRECT EXAMINATION**

21 **BY MR. RUTER:**

22 Q. Mr. Ventura, good morning.

23 A. Good morning.

24 Q. Mr. Ventura, I want to ask a favor. When I ask you a
25 question, could you try as hard as you can to speak slowly so

1 the interpreter can get all of your words, and, after you
2 answer, give the interpreter plenty of time to speak then in
3 English. Agreed?

4 A. Yes, sir.

5 Q. Mr. Ventura, how old are you, sir?

6 A. In my mind, I can't give you an exact age. As you can
7 see, I suffered quite a bit in the hands of the authorities.
8 They had me for --

9 **MR. CUNNINGHAM:** Your Honor, may we approach?

10 **THE WITNESS:** They had me for seven months.

11 **THE COURT:** No.

12 **MR. CUNNINGHAM:** Well, objection, then, Your Honor.

13 **THE COURT:** Okay. Overruled.

14 **BY MR. RUTER:**

15 Q. Mr. Ventura --

16 **THE COURT:** But be vigilant.

17 **MR. CUNNINGHAM:** Yes, Your Honor.

18 **BY MR. RUTER:**

19 Q. Mr. Ventura, the question was how old you were, and is it
20 your answer you're not too sure?

21 A. I think I'm like 33, 34 years old. I'm not sure because
22 I have mental problems.

23 Q. Okay.

24 A. I've been enslaved for seven months. The prosecutors
25 separated me from the witnesses, et cetera.

1 Q. Mr. Ventura, where were you born?

2 A. I had no access to bookstores or anything to represent
3 myself in this trial.

4 **INTERPRETER BLUMBERG:** And the interpreter would
5 note that the witness said --

6 **THE WITNESS:** *Como* --

7 **INTERPRETER BLUMBERG:** *Un momento.*

8 -- "libreria," which is not library. Rather --

9 **INTERPRETER GOLDSTEIN:** Bookstore.

10 **INTERPRETER BLUMBERG:** -- it's a bookstore.

11 **BY MR. RUTER:**

12 Q. Mr. Ventura, where were you born?

13 A. In El Salvador.

14 Q. And how many years, do you recall, did you live in
15 El Salvador?

16 A. I would like to ask you, please, to have patience with me
17 if I take some time to respond to your questions. You have
18 all my records, and you know that I was enslaved for seven
19 months. And you also know that I have not been prepared for
20 this trial. I didn't even know I had a trial coming. You
21 know well that the prosecution never gave me the evidence to
22 review as you had.

23 **MR. CUNNINGHAM:** Objection, Your Honor.

24 **MR. RUTER:** Mr. Ventura --

25 **THE COURT:** Sustained.

1 **BY MR. RUTER:**

2 Q. Mr. Ventura --

3 **THE COURT:** The objection was sustained. Next
4 question.

5 **BY MR. RUTER:**

6 Q. I'm going to try to -- I want you to try to answer my
7 questions. The last question was: Do you recall how many
8 years you lived in El Salvador before you moved from
9 El Salvador?

10 A. As I mentioned, I will respond to you, but please have
11 patience with me, please.

12 Q. Okay. So the --

13 A. I don't remember really well how long I lived in my
14 country, but I do know that I came here young. I remember
15 that I crossed the border legally, and that Immigration gave
16 me a document as a minor.

17 Q. Okay. So you came in here when you were young -- a young
18 person?

19 A. Yes, I believe so.

20 Q. And, when you entered the United States, do you recall
21 whether you entered into the state of California, or into the
22 state of Texas, if you remember?

23 A. To be honest with you, sir, I was brought in
24 transportation, and I didn't even know where I was.

25 Q. Understood.

1 A. I don't know honestly where I came in, but Immigration
2 gave me a document, and I was put on a Greyhound.

3 Q. Okay. Mr. Ventura, could you describe for the jurors
4 what your life was like while you were in El Salvador before
5 you came into the United States?

6 A. I would like very much to answer your question.

7 Q. If you would give her a chance to interpret.

8 A. I would also like to know if you're trying to ask me this
9 question so that the Government can find out more about my
10 life?

11 Q. No, I'm not. Mr. Ventura, the jury does not know you.

12 A. I don't think so.

13 Q. All right. So I'm asking you this question so that the
14 jury can know about you. They don't know anything about you.

15 So the question is: Could you describe your life to
16 the jury while you were in El Salvador, please.

17 A. I will answer you. I hope that this will not be used
18 against me, because all the information about me has been used
19 against me in this trial.

20 Q. Okay. And what's your answer, sir, as to what your life
21 was like while you were in El Salvador?

22 A. I would like to tell you all and before the interpreter
23 who was there that, since I was eleven years old, because I
24 believe that, when a person has truly suffered, they remember
25 from the very first day how it was. I think Mr. Kelly would

1 like to hear about my life as well, and this is his chance to
2 do so, and so I'm going to tell him.

3 At eleven years old, I grew up in a violent
4 community without a father. I started out cleaning buses.
5 I'm not sure if anyone has had experience cleaning buses, but
6 I'll explain to you how it is. There, they give you one
7 colón, which was previously the money of our country. It was
8 one colón. Now it's a dollar. We have the dollar system.
9 You sweep the bus, you mop it, and they give you one colón.

10 So, not to extend too long in my conversation, I'll
11 just say that I worked from the time I was eleven cleaning
12 buses, but thank God -- God has always given me a good memory.
13 This is something that I previously had stronger than I do
14 now. I don't mean to say that I'm intelligent, but I try to
15 use my brain. I learned how to collect money. And I'm not
16 sure if anyone here has had the opportunity to go to a Central
17 American country. Let's say, like in Baltimore and
18 Washington, D.C., someone will be standing there saying, "Hey,
19 come on in. Come on in," and collecting money for people who
20 get onto the bus.

21 The point is that, from a very young age, I've been
22 a hard worker. I never had the opportunity to go to school.
23 As I explained, I grew up without a father. I had to be the
24 man of the house.

25 When I turned 13, I was given the opportunity to

1 collect money, because they noticed that I had a good ability
2 for talking with people. And then, at 16, I was given a
3 license, and down there they call it a license for death, once
4 you're older, so I drove buses as well.

5 And Mr. Kelly has seen me operate large machinery,
6 so he knows I'm professional at that. I don't know why he
7 didn't show you any photos of that here.

8 Q. We'll get to that, Mr. Ventura.

9 So, Mr. Ventura, you drove -- then you also drove a
10 bus while you were in El Salvador for a little while; is that
11 right?

12 A. You could say I began with small buses. I was a
13 driver -- a driver of minibuses.

14 Q. Okay. And can you recall approximately what age it was
15 that you entered into United States?

16 A. I'm not totally sure. If my memory serves me right, I
17 don't know exactly how old I was, but I do know that I was a
18 minor.

19 Q. Okay.

20 A. It wasn't much longer after I was driving that I came to
21 this country.

22 Q. Mr. Ventura, did there come a time when you moved to the
23 Washington, D.C./Maryland area?

24 A. In the U.S., I've only lived in two places the whole
25 time.

1 Q. Okay. Where did you live first?

2 A. [REDACTED], Washington, D.C. Excuse me. [REDACTED]

3 [REDACTED]. [REDACTED], Washington, D.C.

4 Q. Okay. So, Mr. Ventura, when you entered the United
5 States somewhere in the south, how long did it take you to get
6 from the point where you entered the United States up to
7 Washington, D.C.?

8 A. I'll ask you again, sir. I don't know anything about
9 that. Mr. Kelly understands that whole process of
10 transportation.

11 Q. Okay. How long did you live at [REDACTED] before you
12 moved from [REDACTED]?

13 A. To be honest, I don't remember very well, but I lived
14 there for a very long time. Actually, with you, I realized
15 the time when I bought the house, because I didn't remember
16 the date too well. It was with you that I remembered. And
17 now you're asking me, but I've forgotten as well, but I've
18 only lived in two places.

19 **THE WITNESS:** (In English) [REDACTED].

20 Q. The second place was [REDACTED]?

21 A. Yes, sir.

22 Q. Okay. Mr. Ventura, when you moved into the Washington,
23 D.C. area, did you become employed?

24 A. Yes, sir.

25 Q. And what kind of work did you do?

1 A. I remember well that it was construction. If you need
2 the name of the company, the construction company as well, I
3 will give that to you.

4 Q. Okay. What was the name of the construction company you
5 worked for?

6 A. It was a question you're not going to use that to testify
7 against me, right? You won't call them to testify against me,
8 will you? I think you're bringing everyone here.

9 Q. Mr. Ventura, you could -- I assure you: You could answer
10 the question with no fear.

11 A. I'll give you the answer --

12 Q. Yes, sir.

13 A. -- but you're not going to bring them here to bother,
14 right?

15 Q. I am not.

16 A. I see you have a Christian faith, so I'll trust you.
17 Yes, sir. It's SM&C.

18 Q. Okay.

19 A. That's the name of the company in Dulles, that airport
20 near Sterling, Virginia, I believe is the name.

21 Q. Yes, sir. What kind of construction work did you do for
22 them?

23 A. I started as a laborer, and, as I said, I tried to
24 advance in life, to use my brain. I asked around, "Who makes
25 the most?"

1 And they said, "Carpenters make more." So, when
2 they said they needed a carpenter's assistant, and I was given
3 that job.

4 Q. Do you remember what year that was?

5 A. I'm not sure of the exact time. As I mentioned, my mind
6 is a little messed up, but I'll try to remember the best I
7 can. I just want to say that the slavery that I experienced
8 was horrible. I was held by force to end up with a mind of an
9 idiot to present myself here in a trial. That's what the
10 Government has tried to do with me.

11 Getting right to the point, I think, in '99 --
12 (Counsel conferring.)

13 A. I think around '99.

14 **MR. RUTER:** Your Honor, if I could have this marked,
15 please, for -- there is no objection to this being introduced
16 as evidence. This will become Defendant's Number --

17 **THE CLERK:** 14.

18 **MR. RUTER:** -- 14 for evidence. Thank you.

19 May I approach the witness, Your Honor?

20 **THE COURT:** Yes.

21 **MR. RUTER:** Thank you.

22 **BY MR. RUTER:**

23 Q. Mr. Ventura, do you read English?

24 A. No.

25 Q. Okay. Do you recall, in 2005, whether you worked for

1 Capitol Paving of Washington, D.C.?

2 A. But that's not the question you're asking me. What
3 you're asking me is when I came into the United States for the
4 first job, right?

5 Q. Well, we're already past that question.

6 A. Okay. Sometimes you just hold onto the last question.

7 Q. Okay.

8 A. Yes, I did work at Capitol Paving.

9 Q. Yes. And you filed an income tax return; did you not?

10 A. I think so.

11 Q. Okay. And do you recall whether or not you made -- you
12 made around \$63,800 that year?

13 A. It could have been that much, but, as you know, the
14 Government takes about half of that in taxes, and I think
15 that's -- some of it was overtime, because I'm sure that some
16 of the people here have done that as well, done overtime.
17 Actually, I want to tell you that I was working in Washington,
18 D.C. replacing lead piping, or copper -- copper.

19 Q. Yes.

20 A. And I was a plumber, and I was a foreman, and a machine
21 operator as well.

22 Q. Good. Mr. Ventura, this income tax return shows that
23 you, at that time, had a spouse -- a wife, and her name was
24 Mara Blanco?

25 A. Mia Blanco.

1 Q. Mia Blanco?

2 A. Mia, and we lived -- we lived together.

3 Q. Okay. And you also had a child?

4 A. Yes, sir. No, no, no.

5 **INTERPRETER GOLDSTEIN:** Excuse me. Your Honor, the
6 interpreter would like to make sure that the witness please
7 wait until we finish the interpretation, and not in the
8 middle, because then nobody can keep track of what's being
9 said on the record.

10 **THE COURT:** I think that's a good idea.

11 **INTERPRETER GOLDSTEIN:** Thank you. Otherwise
12 everybody is going to talk over everybody, and nobody will
13 understand.

14 **MR. RUTER:** Yeah. Please give her time to answer.

15 **BY MR. RUTER:**

16 Q. The last question, Mr. Ventura, was: You also had a
17 daughter in 2005; is that right?

18 A. Stepdaughter.

19 Q. Stepdaughter. Named [REDACTED]?

20 A. [REDACTED].

21 Q. Okay.

22 A. [REDACTED]. [REDACTED].

23 Q. And, Mr. Ventura, do you recall whether or not, in 2005,
24 you lived on [REDACTED]?

25 A. Yes.

1 Q. Okay.

2 A. I think so.

3 **MR. RUTER:** Madam Clerk, if we could have this
4 marked as evidence as Defense Number 15. Thank you very much.

5 Q. And, Mr. Ventura, do you recall whether or not you filed
6 an income tax return in the year 2007?

7 A. 2007?

8 Q. Yes, 2007.

9 A. I don't remember.

10 Q. Okay. If I showed you this document, it says, "Income
11 Tax Return," year 2007, with your name on it, does that sound
12 right?

13 A. That's not income.

14 Q. Okay.

15 A. That's a loan. It's like how you pay for your house.

16 **INTERPRETER GOLDSTEIN:** Excuse me. Interpreter
17 needs to clarify a term, Your Honor, that he's misjudging,
18 because it's a false cognate.

19 **THE COURT:** Okay.

20 (Interpreter conferring with the Witness.)

21 **INTERPRETER GOLDSTEIN:** Thank you, Your Honor.

22 **BY MR. RUTER:**

23 Q. Okay. Mr. Ventura, the jury will have a chance to see
24 this, so they can decide for themselves what it is, okay?

25 A. (Witness nodding head in the affirmative.)

1 Q. In 2007, you were working; were you not?

2 A. Yes. Those are the taxes.

3 Q. And what kind of work were you doing?

4 A. All my life, I've done construction.

5 Q. Okay. And were you doing the same kind of construction
6 in 2007 as you were in 2006 and in 2005?

7 A. Yes. I've always done only construction, including
8 remodeling, whatever. I'm a handyman --

9 Q. Okay.

10 A. -- and I have proof of all of that.

11 Q. Yes.

12 **MR. RUTER:** Thank you, Madam.

13 Q. Mr. Ventura, I'm going to show you what's been introduced
14 as Defendant's Number 16 as evidence and ask you: Did you
15 file an income tax return in 2008?

16 A. Well, I'd like to say something, because, as far as my
17 income tax is concerned -- and I don't know. Perhaps
18 you'll excuse me, but sometimes I'm a bit daring when I talk
19 about the Government. The gentleman that's sitting over there
20 in the corner has a habit of falsifying evidence and papers so
21 he can put one in front of a jury as a bad person.

22 Q. Well, Mr. Ventura, let's stick to this tax return, okay?

23 A. Actually, I mentioned to you that I wanted to bring the
24 person that did those income taxes to me as a witness to
25 testify, because they put an additional number in there.

1 Q. Okay. Mr. Ventura, I'm just going to ask if you can
2 identify this signature. Does that appear to be your
3 signature? This is on your tax return.

4 A. I think that signature is a bit false, sir.

5 Q. Okay.

6 A. My signature is more -- it's more clear, but, if I did
7 it, maybe I was drunk.

8 (Laughter.)

9 Q. Mr. Ventura, did you work in year 2008?

10 A. I'm going to answer you, sir. According to my memory,
11 I've always worked, sir. I've worked all my life.

12 Q. And did you also work in the construction business in
13 2008?

14 A. Yes, sir.

15 Q. And you did file a tax return, right?

16 A. I've always paid the Americans my taxes so they give me
17 the chance to being here in this country.

18 Q. Yes.

19 A. I've never asked them for help.

20 Q. Yes, sir.

21 A. That's why I came to this country.

22 Q. And, Mr. Ventura, did you also work in 2009?

23 A. Yes. Yes.

24 Q. And let me show you what's been introduced as evidence as
25 Defendant's Number 17 and ask you whether or not you believe

1 you filed a tax return in 2009 -- your 2009 income?

2 A. Uh-huh.

3 **THE REPORTER:** If you would, say "yes" and "no,"
4 sir.

5 **THE WITNESS:** Yes.

6 **BY MR. RUTER:**

7 Q. And this is your tax return; is that right?

8 A. Can I see the signature, please?

9 Q. Sure.

10 (Witness reviewing exhibit.)

11 A. I did my taxes, of course, but I don't know if my tax
12 returns have been falsified as well.

13 Q. Okay.

14 A. But I have done taxes my whole life.

15 Q. Okay. Good.

16 A. Not now that I'm a prisoner, because I don't know if the
17 Government allows me to pay taxes when I'm a prisoner. I've
18 been making \$30 a month.

19 **MR. RUTER:** Madam Clerk, thank you again.

20 Q. Mr. Ventura, Defendant's Exhibit Number 18 shows that you
21 had received some money from a company called Harrington
22 Raceway.

23 **THE REPORTER:** Can you spell Harrington?

24 **MR. RUTER:** H-A-R-R-I-N-G-T-O-N.

25 **THE WITNESS:** You're talking about the casino?

1 **MR. RUTER:** Yes, sir.

2 **BY MR. RUTER:**

3 Q. So, on occasion, Mr. Ventura, did you also happen to get
4 lucky and make some money at the casino?

5 A. Not when that man was behind me. I always lost.
6 Whenever Kelly was around, I'd lose. That guy just brings me
7 nothing but bad luck.

8 Q. Did you see Mr. Kelly at the casino?

9 A. Yeah, I saw him there all the time. Always brought me
10 bad luck.

11 **MR. RUTER:** Could we have this as Defense Number 19,
12 please?

13 **THE WITNESS:** I'd come home without a penny in my
14 pocket, and then he'd call the police, and I'd get arrested.

15 **BY MR. RUTER:**

16 Q. All right. Mr. Ventura, in 2010, we have heard that you
17 were arrested on the charges that you're standing trial for on
18 November 15th; is that right?

19 A. Yes.

20 Q. Okay. Before you were arrested, however, were you
21 working?

22 A. Yes, I think so.

23 Q. And do you recall for whom you were working?

24 A. For myself.

25 Q. Okay. But I have here -- Mr. Ventura, I have here a

1 document which has been introduced as evidence as Defense
2 Exhibit Number 19, and it shows that you had earned, as of
3 March the 7th of 2010 --

4 A. (In English) S&J.

5 Q. -- approximately \$3,000 at S&J.

6 A. Oh, so now I'm being accused from having made money? So
7 the man's accused me for that -- for working?

8 Q. No one's accused you of anything on that. Mr. Ventura,
9 what this shows is that you were working in construction; is
10 that right?

11 A. That's right.

12 Q. Okay.

13 A. Right.

14 Q. And you worked for a company called S&J?

15 A. S&J, yes.

16 Q. And where --

17 A. The foreman and the assistant of the foreman's name was
18 Israel, and he drove his big truck with a backhoe on the back,
19 because I operated the machines. You saw me. Kelly saw me.
20 But he didn't show those pictures, did he? I saw him at
21 7-Eleven.

22 Q. That's the question I want -- Mr. Ventura, let me ask a
23 question. While you were working for S&J, did you see Special
24 Agent Kelly? Listen carefully to the question before you
25 answer.

1 At the time that you were working for S&J, did you
2 see Special Agent Kelly?

3 A. I saw him all the time, and I used to see Hartlove,
4 too -- Detective Hartlove. Those were the guys that always
5 brought me all the bad luck. At the table, where you play,
6 the casino, when you put your bets down, every time that these
7 detectives were there, they thought I wasn't seeing them, but
8 they'd be over there in the corner somewhere, and they'd make
9 like they were talking on the phone with a phone in their
10 hand. Every time the two of them looked at me and I threw the
11 dice, and I remember the time that I lost a lot of money, and
12 high lose, they'd say, and they'd grab with the stick, and
13 they'd pull all my chips off, and the two of them were
14 laughing when I lost.

15 Q. Mr. Ventura -- Mr. Ventura, are you -- are you
16 superstitious?

17 A. Why are you asking me that question?

18 Q. I'm asking you: Do you believe in good luck? Do you
19 believe in bad luck?

20 A. I believe in God. I think I've got bad luck because I'm
21 in jail, and that guy just made everything up. He gave
22 residency to everybody. Who isn't going to come and testify
23 against me with that?

24 Q. Mr. Ventura, do you believe in Santa Muerte?

25 A. Let me tell you. Let me be honest. That Santa Muerte

1 that you all saw here in the public, that Santa Muerte was for
2 Halloween.

3 **INTERPRETER BLUMBERG:** Grim Reaper.

4 **THE WITNESS:** It was for Halloween, and I left it
5 there. I forgot to move it. It's my house. It doesn't
6 offend anybody, and I trust God much more than the devil.

7 **MR. RUTER:** Okay.

8 **BY MR. RUTER:**

9 Q. All right. So, Mr. Ventura, you bought a house, right?

10 A. I think so. Kelly took that away from me, too. He said,
11 "I've got all your vehicles and your house." I'm going to say
12 this word in English, and I'm sorry to say it. (In English)
13 "You fucked up, bitch. I'm going to send you fuck your mother
14 and your whole people in your country."

15 **THE REPORTER:** The last part, sir. The last part.

16 **THE WITNESS:** Okay. The detective, Kelly, who is
17 there, when he arrested me, he said, (in English) "You fucked
18 up, motherfucker. Bitch, I'm going to send you to fuck your
19 mother and your family and your people in your country. I'm
20 going to make sure that." (Through interpreter) That's what
21 that man said to me, and I swear that by my kids, and I -- if
22 I present myself this way, and I stand straight, do you see
23 something here? How could it be possible that, for some
24 pictures, this man put his boot on my neck, and he cracked it.
25 I didn't get anyone's help. They have connections with the

1 wardens in the jail.

2 **BY MR. RUTER:**

3 Q. So, Mr. Ventura -- Mr. Ventura -- Mr. Ventura, you're
4 telling us that you were arrested on November 15th of 2010,
5 correct?

6 A. Yes.

7 Q. We will get to that arrest later on.

8 My question now is: Did you buy [REDACTED]

9 located in Capitol Heights, Maryland?

10 A. I assert that I did, and the gentleman over there took it
11 away from me, too.

12 Q. Okay. And you bought that, if you recall, in
13 approximately February of 2006; is that your recollection?

14 A. If you show me the papers, I'll -- maybe I'll remember,
15 because basically, after how horrifying the Government is, I
16 kind of ended up traumatized in my brain. I'd like to have
17 the public here know the conditions that I had in the jails
18 where they were stuffing pills down me.

19 Q. Mr. Ventura, what we need to talk about this minute is
20 whether or not you bought [REDACTED] -- [REDACTED], okay?

21 A. (Witness nodding head in the affirmative.)

22 Q. And you did; did you not? You did buy it?

23 A. Yes, I bought it, but I don't remember what month or what
24 year or anything.

25 Q. Okay. Well, if I told you that the documents that are

1 now already in evidence indicate that it was February of 2006,
2 does that sound approximately correct to you?

3 A. More or less. I have a question.

4 Q. Mr. Ventura --

5 A. Why are we talking about houses?

6 **MR. CUNNINGHAM:** Objection.

7 A. Why don't we talk about the witnesses that have been
8 sitting here.

9 Q. Mr. Ventura --

10 **MR. CUNNINGHAM:** Your Honor, the Defendant is now
11 asking questions.

12 **THE COURT:** Yes. Sustained.

13 **MR. RUTER:** That may not be the first time.

14 (Laughter.)

15 **BY MR. RUTER:**

16 Q. So, Mr. Ventura, you were still working in construction
17 in 2006, correct?

18 A. I worked all my life, sir, to survive.

19 Q. Yeah. And you were making your --

20 A. Yes.

21 Q. -- mortgage payments after you bought your house; is that
22 also correct?

23 A. Yes, but it was difficult. Sometimes I fell behind
24 because I didn't work the hours I needed to work.

25 Q. That happens to a lot of us, Mr. Ventura.

1 A. Okay. Anyway, I'm not going to get the house back. I
2 don't think Mr. Kelly is going to return that to me except if
3 I testify against somebody that he has as a target.

4 Q. Mr. Ventura, have you ever heard of VVV Home Construction
5 Company?

6 A. Yes. The three Vs are for my three -- my two children
7 and me, so I put the name VVV Construction Company, Inc.

8 Q. Okay. And do you recall actually filling out some
9 paperwork so you could become an official company to do work?

10 A. Yes, sir. Yes, sir. Yes, sir. I called a professional
11 agent to do that, because that's serious --

12 Q. Yes.

13 A. -- and I had a license for that as well.

14 Q. Yes, sir. And you did that --

15 A. Yes, sir.

16 Q. -- in around April of 2008; is that right?

17 A. April? I think so.

18 Q. April 28. Yeah. Okay.

19 So, when you formulated VVV Construction,
20 Mr. Ventura, what did VVV Construction do?

21 A. I did a bit of everything. As I told you, I was a
22 professional, and I opened that company. It was because -- so
23 that an American could give me contracts. I had to have a
24 company. He was a foreman at Magnolia Company, and I decided
25 to work with him, to work together, but unfortunately he had

1 an accident, and he started losing contracts, so -- so I
2 sometimes worked for them and for different companies with
3 other contracts, and sometimes I did some hours by -- I worked
4 by the hour for them with contracts --

5 **INTERPRETER KIRCHGESSNER:** Interpreter correction.

6 A. -- and sometimes I did work on my own.

7 Q. Mr. Ventura, I'm showing you what's been introduced as
8 evidence as Defendant's Number 22, and did this document come
9 from the State Department of Assessments & Taxation showing
10 that you became incorporated on April 24th of 2008?

11 A. That's right, sir.

12 **MR. CUNNINGHAM:** Mr. Ruter, what number is this?

13 **MR. RUTER:** That would be Number 22.

14 **BY MR. RUTER:**

15 Q. And this is Defendant's Exhibit Number 23, which has been
16 introduced as evidence, and is this your license to do
17 construction work in the state of Maryland?

18 A. I'm sorry if I take my time to review this, but, to be
19 honest, I don't trust Mr. Kelly or Mr. Hartlove. I have to
20 review this carefully, because they are professional at
21 forging documents.

22 Q. Okay.

23 A. But this is mine. I would like to get a copy.

24 It looks like a copy. It's not the original.

25 **INTERPRETER KIRCHGESSNER:** Interpreter correction.

1 **MR. RUTER:** That's true.

2 **BY MR. RUTER:**

3 Q. Mr. Ventura, since you've mentioned that you don't trust
4 certain people, isn't it true you don't trust me, either?

5 A. I -- I notice that you called Ms. Rebeca here to testify,
6 but then --

7 **INTERPRETER KIRCHGESSNER:** Interpreter requests a
8 second.

9 A. -- but -- but then you called her with the Government
10 people. You should have brought her here --

11 **MR. RUTER:** I have to move to strike, Your Honor.
12 That's not --

13 **THE WITNESS:** -- because her testimony --

14 **THE COURT:** Motion to Strike is granted.

15 **THE WITNESS:** Because the testimony was false.

16 **THE COURT:** The translator -- thank you. The jury
17 will disregard the last translated testimony.

18 **THE WITNESS:** And why not?

19 **BY MR. RUTER:**

20 Q. Mr. Ventura, do you know Rebeca Dueñas Franco?

21 A. Yes, I know her.

22 Q. And when did you first meet her, if you recall?

23 A. Is that information for the Government people, or is it
24 going to be private between us?

25 Q. No. It's for the jury to -- it's the jury to hear.

1 A. No. I'm saying that, because the agent is here, and he
2 was a witness, so how is it possible that a witness, after
3 testifying, is here listening to the testimony of the accused?

4 Q. The procedures in this Court permit it.

5 A. So they allow it so he can continue to get information?

6 Q. So, Mr. Franco (sic), can you tell these kind folks here,
7 please: When did you first meet Rebeca?

8 A. We're talking about the month or the year. I don't
9 remember, but yes. At the discotec. It's called the Galaxy.

10 Q. And where is that located?

11 A. The Galaxy is on University Boulevard. It's located on
12 University Boulevard in Hyattsville or Prince George's. I
13 don't know.

14 Q. Okay. And can you describe for the jury what happened
15 between you and Ms. Franco when you first met her at the
16 Galaxy?

17 A. If the gentleman gave me the opportunity of answering
18 what he asked me first when I met her at the Galaxy, then I
19 can answer what you just asked me.

20 Q. Okay. My apologies.

21 The question, Mr. Ventura, is: Can you tell us
22 whether or not you and Ms. Franco had a conversation when you
23 first met her at the Galaxy in Washington, D.C.?

24 A. No. The Galaxy is not in Washington, D.C., sir. It's in
25 Hyattsville, Maryland.

1 Q. Okay. And my apology.

2 Did you and Ms. Franco have a conversation when you
3 first met her at the Galaxy?

4 A. No, I'm going to tell you how it was. It was -- there
5 was a big scandal on that date at that discotec. That --
6 Mr. Kelly did not investigate or did not want to tell at the
7 trial, or he didn't know anything about it. I'm going to
8 explain to you right now.

9 Approximately, if I remember correctly because of my
10 memory, it was at night, because the discotecs are open at
11 night. I saw a girl with curly hair that was dancing with two
12 other women, and there was another man dancing with her, and,
13 all of a sudden, another guy came in, and I speak Spanish well
14 completely, because I'm Hispanic. Because of the accent he
15 had, he was Mexican.

16 So he came and grabbed her by the hair, and he said
17 something. I couldn't hear what because of the music that was
18 loud, but he was stopped by security. So I just heard one
19 woman that said, "Hey, guy, control yourself."

20 **THE WITNESS:** (In English) No. Flaco. Flaco.

21 A. "Hey, Flaco, control yourself." He is not with her doing
22 anything, but then, although the music was loud, I could hear
23 that he said, "Son of a bitch, I told you not to come to the
24 discotec with any -- with no jerk." He said, "Are you going
25 to go home? Look at the show you're -- look at this scandal

1 you're making here. You look like you're drunk."

2 The discotec has a little alley that goes by the
3 door, and then there is a big parking lot, and, you know, the
4 parking lots are always split in two, one to the right and one
5 to the left, and, at that time, I was driving a Honda Accord,
6 '91, that also Mr. Kelly did not want to return to me -- two
7 door. It was gold color, standard. I was parking there. I
8 had a car, and I also called the police, I know, because my
9 problem with them is the guy that told her -- the man is a
10 tall man --

11 **INTERPRETER KIRCHGESSNER:** Interpreter correction.

12 A. -- and his skin is color a little bit like cinnamon
13 color. I didn't know if the girls that were with her were
14 prostitutes and the ones that were with the guy, but I
15 remember that they were in a blue car, two doors -- four
16 doors. Apologies. And it said Neon. And the girls got into
17 another car that was there. There was a green car. I saw
18 that the guy gave her the first smack in the neck to the girl,
19 and that's when I -- when I met her.

20 I was with a friend -- well, to be honest, it was a
21 friend with benefits. I met her through Wendy. Her -- her
22 face was a little ugly, but her body was real beautiful.
23 That's what I liked. I apologize to the ladies, but I'm
24 describing. I apologize. I --

25 Q. Mr. Ventura --

1 A. Apologies to the ladies.

2 Q. Mr. Ventura, when you talk about this lady with a nice
3 figure, are you referring to Rebeca, or somebody else?

4 A. No. I'm talking about -- Rebeca is beautiful. I was
5 dancing with another woman. At that moment, I remember she
6 was with somebody. I don't know if it was her husband or who
7 it was, but -- but I can tell everybody what I detest the most
8 is to see a man hitting a woman in front of me.

9 Q. Mr. Ventura, was Rebeca hit, or was somebody else hit?

10 A. If you allow me, I will explain. Okay. The car was
11 parked in front of me -- in front of my car, because everybody
12 was parked together there, and the Neon car with four doors,
13 the guy then yell at another guy. He said, "Omar, calm down.
14 Don't be crazy." When I took off my shirt, I saw that he
15 grabbed her by the hair, but she -- she did not stay calm.
16 She also stuck her nails into him, and she -- she scratched
17 him with his -- with her nails here. It was a big scandal.
18 The police came, too.

19 Q. Mr. Ventura -- Mr. Ventura -- Mr. Ventura --

20 A. The point is --

21 Q. -- was it Rebeca who scratched the person, or was it some
22 other woman? I'm not clear.

23 A. Okay. Okay. Rebeca -- Rebeca -- Rebeca assaulted the
24 guy that hit her first. It was Omar.

25 Q. Okay.

1 A. Omar.

2 Q. Okay. Thank you.

3 A. Okay. Then, after I saw that the guy kicked her, that's
4 when I went to him, and I punched him in the face. I punched
5 the guy in the face, and I gave him a good one. I gave him a
6 good punch, and he fell to the floor. You know, when you hit
7 somebody in the jaw -- I hit him here, and then he fell. I
8 asked the girl, "Do you want a ride?" The other girl was with
9 me, and I -- and I say, "Get in the car," and that's how I
10 found out where she lived.

11 I don't remember very well, but first we went on
12 23rd Avenue. We're talking about Hyattsville. From
13 University Boulevard, you take 23rd Avenue to the right. Then
14 there is this street -- I don't remember what it's called.
15 But, where she lived was at [REDACTED]. It was a two-story
16 house. In order to get into the basement, you had to go
17 behind the house.

18 I did not finish saying what happened when the
19 police came, but, when the police came, I said, "Come with
20 me," and that's when I took her, and I told her, "Why didn't
21 you call the police," and she did call the police about that
22 case, and that's in the record. That address is in
23 Ms. Rebeca's record. That year, that date, the day that that
24 man hit her. I'll be honest. I don't know where all her
25 injuries were, but I know that he hit her in the face, and she

1 told him, "You're going to pay for this, son of a bitch."

2 Then I saw the guy. I knew him. I was in Julito,
3 which is another disco, it's a Julito Restaurant. That's the
4 name of the disco. It's behind a place where it says
5 La Union, U-N-I-O-N, University Boulevard.

6 Q. And who was that man?

7 A. According to what people were saying, they called him
8 Omar Flaco, F-L-A-C-O.

9 Q. Did you ever learn anything about Omar, El Flaco?

10 A. In time, I got to know him.

11 Q. And was he -- what business was he in?

12 A. He had prostitution delivery in Langley Park.

13 Q. When -- on the day -- on the day that you saw Omar strike
14 Rebeca, did you know whether or not Rebeca worked for him in
15 the prostitution business?

16 A. I'm only telling you how I met her. To be honest, I
17 don't care, and I don't know what business she worked. I'm
18 not interested in other people's lives, and I didn't come here
19 to sit and lie to the rest of you, either. This is what
20 motivated me to ask to be able to sit in this chair, because
21 what she said was false. And it's obvious that, because the
22 man didn't have evidence, he put this into my case for a year,
23 and he used that poor girl to lie. You saw how she was crying
24 here. You saw that, didn't you? She felt guilty for accusing
25 the man who had helped her. That man is the guilty one, the

1 one over there.

2 Q. Mr. Ventura --

3 A. Maybe he offered her a better life, a residence card, a
4 job. You heard that the poor girl didn't have any money, and
5 she was pregnant. She required or insisted that I provide --

6 **INTERPRETER BLUMBERG:** Excuse me. Interpreter
7 corrects.

8 A. -- that I deposit money for her family.

9 **BY MR. RUTER:**

10 Q. Mr. Ventura -- Mr. Ventura, I want to take you back to
11 this first meeting. We understand that you saw her at the
12 Galaxy Nightclub. You're telling these folks that you saw
13 that she was struck, and then she struck somebody else, and
14 then you struck somebody else, right?

15 A. No. I intervened to defend the girl.

16 Q. Yes. And then do we understand you took her home?

17 A. Exactly. I even found out where the room was that she
18 lived in.

19 Q. So --

20 A. I went into her room with my girlfriend. I don't want to
21 lie. And listen to what I'm going to tell you. You had this
22 information, and please do not interrupt me, because it's very
23 important for the public to know this, I believe. Justice is
24 justice, and, if we're going to do justice, let's do it right.

25 Q. Okay. What happened, then?

1 A. Okay. We went into that house. It was a basement. A
2 guy named -- that they called David -- and the girl I was with
3 knew him, too. A guy kind of fat, around 32 years old.

4 **INTERPRETER BLUMBERG:** The interpreter corrects.
5 35.

6 A. He asked, "What happened to you?"

7 "Your brother, the dog, hit me," she said, "because
8 I was dancing with --" and they mentioned names, but I don't
9 remember. I just remember that she said David.

10 And the man heard when I told her to call the police
11 and report him, and then a guy came out who has curly hair
12 that he puts back like this who they called Salim (phon). He
13 said, "What's up here?" That's how he said it. I wouldn't
14 normally talk that way, but using street language. He said,
15 "What happened to you?"

16 "Omar, that dog, hit me, because I was dancing
17 with --" and mentioned a name, but I don't remember the name.
18 Salino (phon) said to her, "That's what happens to you, bitch,
19 for disobeying. I've told you not to drink, and you keep
20 drinking and hanging out with your girlfriends."

21 That's what I heard, sir. I don't remember the
22 date, but that's what I heard and saw. That house, you go
23 into the basement, and it's a little, tiny room there. That
24 was her room. Up above, I saw a Dominican family. He knows.
25 He must know about this, because he knows. Don't think he

1 doesn't.

2 Q. Okay. Mr. Ventura, you have described, then, that you
3 took Rebeca to what you believed to be her home.

4 A. Exactly.

5 Q. Then you described a conversation between you, Rebeca,
6 and David.

7 A. No. No, no. David -- David only saw and said, "What did
8 he do to you?" And Salino (phon) is the one who talked.

9 Q. Okay.

10 A. He came out and talked on the phone, Salim (phon).

11 Q. Okay. After that, was that the end of the first time
12 that you had ever been with Rebeca?

13 A. That was the first time, yes.

14 Q. Before you left, did you give her your phone number, or
15 did she give you her phone number, or did no one exchange any
16 phone number?

17 A. No, sir. I just told her to call the police --

18 Q. Okay.

19 A. -- and she said --

20 **INTERPRETER BLUMBERG:** Okay.

21 A. And she said, "If the police came, they could search the
22 place," and she had coke there, and she could get arrested for
23 drugs.

24 Q. So the police were not called?

25 A. She did not call the police, but I did, and I stood out

1 in front and talked to the police, and -- and the police came
2 in and talked to her.

3 Q. Okay.

4 A. She did not want to bring charges or anything, but I
5 called the police, and they talked to her. I gave my
6 testimony as how things had happened, and I think Omar went
7 somewhere else out of fear, or maybe he was detained by the
8 police at the disco. I don't remember, but he wasn't there.

9 Q. Okay. After all of that was done, Mr. Ventura, did you
10 then leave Rebeca?

11 A. Yes, I did.

12 Q. Did there ever come a time when you saw her again?

13 A. Uh-huh.

14 Q. Can you tell us: How long after the first meeting that
15 you just described was it that you saw her the second time?

16 A. To be honest, I don't remember exactly the date, but I
17 did see her again at Julito's Disco. I would lie if I told
18 you the date and time. Well, I could tell you the time,
19 because they open at 10:00. When she saw me, she recognized
20 me and asked if I'd like a drink or a beer. She was grateful.

21 Q. And --

22 A. She was with a friend, and she introduced me to her. Her
23 name is Bonnie, she said. Bonnie or Donny. Something like
24 that. The girl was pretty, to be honest.

25 Q. Now, Mr. Ventura, did you have -- on that second

1 occasion, did you talk with Rebeca?

2 A. Aren't I telling you that she introduced me to her
3 friend, too? She asked me if I wanted a drink, but I had a
4 girl -- a female friend with me, and she got kind of jealous.
5 I just remember -- I just remember that I gave her a kiss on
6 the cheek and said, "I'll see you soon." That's how we say
7 it -- "I'll see you soon." And I went out to the dance floor
8 to dance with my girlfriend.

9 Q. Okay. Did you know on that occasion whether Rebeca was
10 working as a prostitute; yes or no?

11 A. I repeat that, at first, I did not know what she did. I
12 don't usually ask people, "Hey, what do you do for work? What
13 do you do?" I don't do that. That's why I'm here in this
14 trial. I'm not a snitch. I don't ask people about their
15 private matters.

16 Q. Okay. What you just told us about the encounter with
17 Rebeca, she thanked you, and you kissed her on the cheek. Was
18 that the entirety of your second meeting or your second --

19 A. Yes.

20 Q. -- time with her?

21 A. Yes. As -- as Latinos, we have our upbringing. At least
22 my upbringing is that, when we greet someone, especially a
23 young woman, we kiss them on the cheek, not on the mouth. I
24 haven't gone to school, but, thank goodness, a lot of friends
25 and -- female and male friends have taught me some manners,

1 thank God, and thank God I also learned to read and write in
2 Spanish without having gone to school.

3 Q. Mr. Ventura, did there come a time when you saw Rebeca
4 for a third time?

5 A. Yes. Yes.

6 Q. And how much time, if you can remember, elapsed between
7 the second meeting and now the third meeting you're about to
8 describe?

9 A. Yes. I remember well where I saw her.

10 Q. Where did you see her?

11 A. On 14th in Washington, D.C. and Parkwood. When you're
12 coming from downtown D.C., Parkwood is the only place you can
13 turn to the right. I remember that prostitution place. You
14 go in to the left, and the second stairs again to the left.
15 There is a little black door. I think I remember where, more
16 or less, in the basement there. Across, I believe there was a
17 place where they sell stuff.

18 Q. So did you see Rebeca inside of this building?

19 A. Yes, sir. There was another woman there as well. There
20 were two of them.

21 Q. And can you tell the jurors why it was that you went into
22 this house?

23 A. Yes. I knew of the place because I was given a card one
24 time. I don't know if anyone here works in construction. You
25 get up in the early-morning hours, you go to 7-Eleven, have

1 your cup of coffee before you begin your workday. I remember
2 I got the card, and I went to the place. I had been visiting
3 there about a year. They brought really pretty girls there.
4 I liked to go there. I was used to going there. And I was
5 surprised when I saw Ms. Rebeca there with her short little
6 skirt -- excuse me. That was the second time. She had a tong
7 (sic) on -- a thong, and she was -- I remember she was almost
8 naked. She had a brazier on like this, very well fixed up.
9 The other girl was the one who had on the little, short, white
10 skirt.

11 Q. Mr. Ventura, you said, then, this particular house, you
12 had visited it many times prior to you seeing Rebeca there; is
13 that right?

14 A. Uh-huh.

15 Q. And do we understand that the reason you went to this
16 house was so that you yourself could receive prostitution
17 services?

18 A. Yes, sir.

19 Q. Did you know who the owner or the operator was of that
20 particular house?

21 A. Yes. I'll tell you, I went in. I was with her. We had
22 a conversation, and she told me she was looking for a place to
23 move to, because the guy prohibited her from doing many
24 things, and she said, "It's my life. I should be able to do
25 what I want to with my life." That day, I went with her and

1 had sex with a condom and alcohol, with a napkin. I'm
2 explaining to Mr. Kelly, because he likes to explain details
3 about this. She cleaned me up and everything and wiped off my
4 intimate organs.

5 Q. I think that's enough detail there.

6 A. I need to explain very well to Mr. Kelly, because he
7 explains things in detail, too.

8 Q. Well, are you sure, Mr. Ventura? We're -- Mr. Ventura --
9 so, Mr. Ventura, you said that there came a time when you had
10 sexual relations with Rebeca at this house. My question was,
11 sir: Did you ever know who owned the house?

12 A. Yes. She told me.

13 Q. What did she tell you?

14 A. She told me, "Why don't you come and pick me up where
15 Nancy is." Excuse me. I'm jumping ahead. You're asking me a
16 very direct question. I have to answer "yes" or "no," right?
17 But, in order -- I believe that, in order to tell you the name
18 of the person, I should tell you how I found out their name,
19 right?

20 Q. Okay. Mr. Ventura, it would be helpful that you listen
21 very carefully and just answer the question. I'll get to it.

22 A. Okay.

23 Q. Question: Did Rebeca tell you who the owner of the house
24 was where you met her and had sex with her the first time?

25 Did she, or didn't she?

1 A. No. At that point in time, of course not, no. She just
2 gave me her number, and I gave her mine.

3 Q. Okay.

4 A. And she told me, "I'll call you."

5 Q. All right. So that's the first time you exchanged phone
6 numbers?

7 A. Correct, sir.

8 Q. Did you see that she had a cell phone in her possession?

9 A. Yes, she had a cell phone.

10 Q. Did you see her place your number in her cell phone?

11 A. No. Just wrote it on a piece of paper and left it there.

12 Q. And then she gave you her phone number as well?

13 A. Uh-huh.

14 Q. And you told us, if I understand it, that she told you
15 that she wanted to find a place to live; is that correct?

16 A. Yes, sir.

17 Q. And, when she advised you of that, did you have any
18 response to her statement that she wished to move?

19 A. Yes, but that's not exactly the way it was that one time
20 that you're asking me, but she did say yes, that she wanted to
21 move with a female friend.

22 Q. She wanted to move with a female friend?

23 A. Yes, sir.

24 Q. Two people?

25 A. With a female friend, she said.

1 Q. Her and one more person?

2 A. (Witness nodding head in the affirmative.)

3 Q. Okay. Now, my question was: Did you say anything in
4 response to her statement?

5 A. Did I give her an answer? Is that what you're asking?

6 Q. Yes. Uh-huh.

7 A. Yes, I gave her an answer.

8 Q. What was the answer?

9 A. I said, "There is no problem. I can move you with the
10 company truck if you want."

11 Q. What did she say?

12 A. She said, "Let me know, then, when you have time and if
13 we have a place, and, you know, it sometimes rains, so they
14 send us home early."

15 Q. When you told her that, Mr. Ventura, had you intended to
16 move her so that she could be a prostitute for you?

17 A. Of course not, sir.

18 Q. So that was your -- we think your third meeting with
19 Rebeca?

20 A. I think so, yes.

21 Q. And then did there come a time when you met her yet
22 again?

23 A. No, no, no. She would call me, and I remember she called
24 me once and said something about, "Let's go dancing," or
25 something, and I said, "Remember, I have a girlfriend, and she

1 wouldn't like that." Julito --

2 **INTERPRETER GOLDSTEIN:** Excuse me. Interpreter
3 corrects. Julito is a discotec.

4 A. And she goes to Julito's, too.

5 Q. Okay. So she called at least once asking you to dance,
6 and you said, "No;" is that right?

7 A. No. I really didn't have time.

8 Q. Okay. And when was the next time you all met?

9 A. Okay. One day -- and I don't remember the date or the
10 date very well, month. As I said before, I have tremendous
11 trauma in jail. I've usually been very quick to answer
12 anything. But the fourth time that I saw her again was when I
13 moved her.

14 Q. And approximately how long after the third time you met
15 her did you then move her?

16 A. I could tell you. I sort of remember. It would have
17 been maybe about a half a month. A half a month.

18 Q. Okay. Do you recall where you moved her to?

19 A. Yes, sir. Of course I remember. Why wouldn't I?

20 Q. Where did you move her to?

21 A. I don't have the number of the building. I don't
22 remember it, but I could lead you there. It's not too far
23 away from where she used to live. It was all in the same
24 area.

25 Q. Do I understand from your earlier testimony that she

1 lived in the Hyattsville area?

2 A. If Langley Park is called Hyattsville, yes, then that's
3 it.

4 Q. Langley Park?

5 A. Uh-huh.

6 Q. Can you tell us what town you moved her to?

7 A. Right there, sir.

8 Q. Right in the same area?

9 A. Yes. You could say -- well, she lived on [REDACTED], and
10 I moved her to some buildings that were near the Galaxy,
11 because she liked to go to the Galaxy very often, and, if you
12 send any investigator now, you'll still find her there. Be
13 careful, though, with a bottle and a finger, she loves to use
14 the finger.

15 Q. So, Mr. Ventura, why did you move Rebeca? Why did you do
16 it?

17 A. No. That's not -- that's a question that you have to ask
18 her, because she's the one that moved. She asked me, because
19 she was the one -- as a matter of fact, she asked me because
20 she was looking for a place to move to. She uses the word
21 paro -- that's P-A-R-O -- but basically, to me, that means a
22 favor.

23 Q. Okay.

24 A. It's like the gang people use that kind of word.

25 She wanted to know, first of all, if I knew somebody

1 that could move -- that does moving, and I told her, "If it's
2 not too far, I can do that favor for you, no problem." I was
3 using a company truck back then. At that time, I was driving
4 a two-door truck, Iveco, with a large bed in the back because
5 we used to carry bricks when we were down in Washington. And
6 I think it -- at the time, I was working for Anchor
7 Construction. We called CNF before, and it was changed.

8 Q. Okay. So you moved her as a favor to her; is that
9 correct?

10 A. Well, you can say it's a favor, but, here in America, I
11 don't do favors for anybody unless they pay me. She paid for
12 the gas. It wasn't that it was free. She paid for the gas.
13 And I don't remember how much she paid the other guy that was
14 helping me -- 100 or 150.

15 Q. So, Mr. Ventura, before you moved Rebeca to this new
16 location as a favor, did you have sexual relations with her
17 more than once, or just the one time like you told us?

18 A. No. Just that one time at the brothel.

19 Q. Okay. After you moved her, did there come a time when
20 your relationship changed?

21 A. Let me answer your question. I don't know how it was
22 when I actually started getting into it with her and seeing
23 her more often, but the truth is that it makes -- well, I feel
24 embarrassed to say it because of the ladies here, but I feel
25 badly about taking some other guy's woman and getting into

1 trouble with three brothers, and, at the time, the guy called
2 her a lot. I remember that she had the area code [REDACTED] at the
3 time. He called her Chapina. Everybody in Langley Park knows
4 her as La Chapina.

5 **INTERPRETER GOLDSTEIN:** L-A, C-H-A-P-I-N-O.

6 **THE COURT:** Mr. Ruter --

7 **INTERPRETER GOLDSTEIN:** Interpreter corrects. N-A.

8 **THE COURT:** -- I hate to do this to you, but we have
9 a need for use of the facilities.

10 **MR. RUTER:** Absolutely, Your Honor.

11 **THE COURT:** So what we will do is take an early
12 lunch break. I'll ask the jury to return at 10 after 1:00 so
13 that we can get started at 1:15. We'll just do the lunch
14 break now.

15 **MR. RUTER:** Your Honor, does the Court recall my
16 2 o'clock problem?

17 **THE COURT:** I'll take a break for that.

18 **MR. RUTER:** Thank you, sir.

19 **THE COURT:** Okay.

20 **THE CLERK:** All rise. This Honorable Court stands
21 in recess.

22 (Jury excused.)

23 (Luncheon recess -- 12:14 p.m.)

24 (Afternoon session -- 1:15 p.m.)

25 **THE CLERK:** All rise. This Honorable Court now

1 resumes in session.

2 THE COURT: Ready for the jury, counsel?

3 MR. MONTEMARANO: Yes, Your Honor.

4 MR. RUTER: Yes, Your Honor.

5 THE COURT: We're ready for the jury.

6 (Jury enters.)

7 THE COURT: Please be seated.

8 Please remind the witness.

9 THE CLERK: I'd like to remind you: You're still
10 under oath.

11 MR. RUTER: Your Honor?

12 THE COURT: Yes.

13 BY MR. RUTER:

14 Q. Good afternoon, Mr. Ventura.

15 A. Good afternoon.

16 Q. Mr. Ventura, we were speaking about that time frame when
17 you assisted Rebeca in moving from one part of Langley Park to
18 another part of Langley Park. Do you recall that testimony?

19 A. Yes, sir.

20 Q. And you also recall telling the jurors that you recalled
21 that, sometime after that move, you began to see Rebeca more
22 often?

23 A. I saw her two times before or three times before moving
24 her.

25 Q. Okay. And then -- now we're talking about after you

1 moved her, and --

2 A. No, no, wait a minute. I want to be specific about the
3 questions. I'm not understanding well.

4 Q. Okay.

5 A. You asked me where I moved her? We didn't finish with
6 that, where I moved her.

7 Q. Well, we had finished, I thought, with you testifying
8 that you, in fact, did move her in a van that you had.

9 A. I didn't say that. Why does this gentleman say that? He
10 wants it to be on the record that I said that?

11 Q. Mr. Ventura -- Mr. Ventura --

12 A. An Iveco truck.

13 Q. I'm sorry. A what?

14 A. An Iveco truck. The brand -- the make is Iveco. It's
15 from the company where I used to work. Not van. I didn't say
16 that.

17 Q. Okay. It was a company truck.

18 A. Yes, sir.

19 Q. And you helped her move?

20 A. That's right.

21 Q. And now the question is: After you helped her move, did
22 your relationship with her begin to develop further?

23 A. I did not have a relationship with her. I just had one
24 time with her. I went and had sex with her. I paid for that.
25 I remind you: I gave her my number, and she gave me hers.

1 Now, first she gave me her number, and then I gave her my
2 number, because she asked me. I'm going to refresh your
3 recollection, sir. She asked me -- she asked me if I knew of
4 somebody who could move her.

5 Q. Okay. Mr. Ventura -- Mr. Ventura --

6 A. A friend.

7 Q. My apologies, but I think you adequately explained that
8 portion. I want to move forward just a little bit.

9 A. No. I think the public did not understand very well,
10 because you're making me questions that are beneficial for the
11 Government to hear; not what the public -- what's convenient
12 for the public to know about my person.

13 Mr. Gerald, or Mr. Ruter, I sat down here in order
14 to defend against the slander against me so that the public
15 would know the weird stories about the testimony of the
16 witnesses, but you're jumping ahead from one thing to the
17 other so that the Government hears what is convenient for
18 them; not what the public needs to hear.

19 Q. Mr. Ventura, what I'm trying to accomplish is for the
20 jury to understand how your relationship with Rebeca
21 developed.

22 A. I agree with you. That's why I want the public to know
23 what apartment Rebeca moved to, because Mr. Kelly has that
24 information, but he never said it to the public for one simple
25 reason -- so that Rebeca doesn't come up as a professional

1 prostitute before meeting me, because I'm sure, sir, that this
2 gentleman convinced her and told her everything she needed to
3 say, because you planned all the questions.

4 Q. Mr. Ventura --

5 A. To ask her questions.

6 Q. Mr. Ventura, you heard Rebeca testify that she had been a
7 prostitute for a man named Alex. Did you hear her testify to
8 that?

9 A. Yes, I heard. I heard that here -- here.

10 Q. Do you have any knowledge about that?

11 A. You're asking me before the move? Could we finish with
12 the move and how I met her, and then I asked --

13 Q. No, we can't.

14 A. No?

15 Q. Question: Before --

16 A. Because the Government told you that? So not to give too
17 many details --

18 **THE COURT:** Mr. Ventura --

19 (Witness speaking in Spanish.)

20 **THE COURT:** Mr. Ventura, we're not here to have
21 speeches now. Here is how it works in the United States, in a
22 trial: A lawyer will ask questions. The witness will answer
23 questions. Real simple. You don't get to ask questions of
24 the lawyer. The lawyer asks questions of you, which you
25 answer.

1 Question.

2 **THE WITNESS:** I'm sorry, Your Honorable Judge. I'm
3 sorry, but you have to understand I don't trust them.

4 **THE COURT:** Help your lawyer by answering his
5 questions.

6 **BY MR. RUTER:**

7 Q. Mr. Ventura, before you helped Rebeca move, did you know
8 whether or not she was involved in the prostitution business?

9 A. Sir, did you hear I said --

10 Q. Yes, I did.

11 A. -- I paid to go with her to Washington?

12 Q. Yes. So what's your answer?

13 A. Yes, I knew, sir.

14 Q. Before you moved Rebeca, did you know who she worked with
15 or who she worked for?

16 A. Do I have to give details, or just say "yes" or "no"?

17 Q. Just say "yes" or "no." "Yes" or "no"?

18 A. I'm restricted with the --

19 Q. "Yes" or "no"?

20 A. Repeat the question again.

21 Q. Before you moved her, did you know who she worked for?

22 A. To begin with, she had many phone numbers that she called
23 to, and I tell you once again: I don't care about anybody
24 else's life. She was not my wife, my woman at that time.

25 Q. Mr. Ventura, this is "yes" or "no." Before you helped

1 move her, did you know who she worked with in the prostitution
2 business?

3 A. Specify. Are you talking about her husband, or the owner
4 of the business?

5 Q. Did she work in the prostitution business with her
6 husband?

7 A. I can't answer if she worked with her husband, but, yes,
8 she was a prostitute, but I didn't know that until I found her
9 in Washington.

10 Q. Yes.

11 A. But, yes, prostitution.

12 Q. Was she working with Alex at the time that you met her in
13 Washington, D.C. and had sex with her?

14 A. I'm answering once again, counsel: I don't care about
15 other people's lives, and I don't go asking questions about
16 that, but, if that's the question the Government asked you to
17 ask me, I'm answering again.

18 Q. Did you say you're going to answer?

19 **MR. RUTER:** I didn't catch the last few words, madam
20 interpreter.

21 **INTERPRETER KIRCHGESSNER:** "If that's the question
22 that the Government asked you to ask me, I'm answering again."

23 **MR. RUTER:** Okay.

24 **BY MR. RUTER:**

25 Q. What is the answer?

1 A. What answer do you want me to give you?

2 Q. Mr. Ventura, did there ever come a time when you learned
3 that Rebeca -- did there ever come a time when you ever
4 learned the name of the person that Rebeca was a prostitute
5 for?

6 A. Okay. Now you explained yourself clearly, sir. I'm
7 sorry.

8 **THE COURT:** He liked the question.

9 **MR. RUTER:** Thank you.

10 **THE WITNESS:** Yes. Because you were talking very
11 fast, but, yes, Mr. Rebeca had worked as a prostitute before,
12 and I knew that house from before. There was a girl called
13 Nancy they called La Catacha there. I had the opportunity of
14 meeting La Catacha, Nancy.

15 **BY MR. RUTER:**

16 Q. Was Nancy the owner?

17 A. I think so, because I repaired the plumbing at that
18 brothel. I -- and I changed -- I repaired the toilet, and I
19 changed the plumbing, the lead by copper inside, and I
20 installed the heating as well, too. I remember I installed a
21 boiler.

22 **INTERPRETER KIRCHGESSNER:** Changed a boiler.
23 Interpreter correction.

24 **BY MR. RUTER:**

25 Q. Did you ever learn whether or not Rebeca worked for

1 anybody else besides Nancy?

2 A. Yes. She mentioned many, many people. She mentioned
3 somebody in Trenton, Virginia. I'm sorry. No, no. Trenton,
4 New Jersey. I'm sorry. Adela.

5 **THE REPORTER:** I'm sorry?

6 **INTERPRETER KIRCHGESSNER:** Adela.

7 **MR. RUTER:** Madam Interpreter, could you spell that?
8 Could you spell that?

9 **INTERPRETER KIRCHGESSNER:** Interpreter will spell
10 it, yes. Adela is A-D-E-L-A.

11 **THE WITNESS:** I remember she worked for her. She
12 told me that, but, at that point, I was only her friend, and
13 she liked me, and she told me her things, but she -- she
14 almost never called me; only when she was drunk. And she said
15 things, and she wanted to see me, but I told her, "Look, I
16 have a girlfriend, and I'm married, and I don't have time to
17 listen to you at night." On one occasion, I had to leave my
18 apartment to be able to answer to her call. So, for that
19 reason, I had to change my phone number, because she begged me
20 a lot, but she called me a lot.

21 **BY MR. RUTER:**

22 Q. Okay. Mr. Ventura, did there ever come a time when
23 Rebeca became your girlfriend?

24 A. You could say that, yes. I can't -- I can't deny that.
25 I like her. I -- I still appreciate her, in spite of

1 everything that she came here to say about me.

2 Q. Did you become her boyfriend after you moved her?

3 A. No, no. No, no. I told you I even changed my phone
4 number, because she bugged me a lot when she was drunk.

5 Q. Well, you told us that there did come a time when she
6 became your girlfriend; is that right?

7 A. Yes, but, since you didn't ask me what -- what date or
8 when it happened, so I -- I say yes, but she knew I had a wife
9 and children.

10 Q. Well, the question is: When was it that she became your
11 girlfriend and you became her boyfriend?

12 A. Well, I'm going to be honest. Perhaps at the beginning
13 of 2009, around that time, but I'm not sure. She had many
14 boyfriends, clients that called her also. They were clients
15 that called her --

16 Q. Okay. Mr. Ventura --

17 A. -- and she would go to hotels. She got picked up.

18 Q. -- is there a difference between a client and a
19 boyfriend?

20 A. Yes. Yes.

21 Q. And what is that difference?

22 A. According to her, it's only when they pay for sex,
23 because they only get dressed from the bellybutton down. No
24 kisses, no hugs, just what they go there for, fifteen minutes,
25 and out the door. That's what she said.

1 Q. That's what a client is?

2 A. That's a client.

3 Q. What is a boyfriend?

4 A. A boyfriend would take her out to eat and go out for
5 walks. It depends what type of boyfriend she had, because
6 there are men that are boring, and there are men that are
7 happy. I like to dance.

8 Q. What kind of a boyfriend were you to Rebeca?

9 A. You could say it was somebody that made her feel like a
10 woman, not a prostitute. Let's say a lady.

11 Q. What kind of things did you do with Rebeca to make her
12 feel like a lady?

13 A. Oh, I feel sorry to have to talk about this, but this is
14 what I remember. The first time I took her to the beach -- I
15 used to go fishing to Sandy Point -- I don't know if anybody
16 knows Sandy Point -- and the girl was so happy, she was
17 jumping up and down, running all over the beach in the sun,
18 because no boyfriend had ever taken her to the beach; just me.
19 So I asked her if she liked the beach. And I said to her,
20 "Let's do a barbecue." She saw I was taking my grill. She
21 didn't even know what a barbecue was. What kind of boyfriend
22 or man did she have that never took her out to a patio or
23 something to cook something on a barbecue?

24 If you went to Sandy Point, you would know that
25 there are some grills there. Also -- so I brought some

1 charcoal and some chicken and some sausages, and we cooked. I
2 remember that, and I asked her, "Did you really like the
3 beach?"

4 And she said, "Yes. Yes. I love it." And then she
5 got into the water.

6 And then I said to her -- I said, "This is nothing.
7 I'm going to take you to better beaches."

8 Q. And did you do that?

9 (Witness crying.)

10 Q. Did you take her to any other beaches?

11 **THE COURT:** Belinda, kleenex.

12 **BY MR. RUTER:**

13 Q. Did you, Mr. Ventura?

14 A. Uh-huh.

15 Q. You have to say "yes" or "no."

16 A. Yes.

17 Q. Mr. Ventura, the jurors saw these. I'm going to show
18 you --

19 **MR. RUTER:** If I can approach, Your Honor?

20 **THE COURT:** Yes.

21 **THE WITNESS:** That's where I took her the second
22 time.

23 **BY MR. RUTER:**

24 Q. Okay. So the record is clear, I was looking at
25 Defendant's Exhibit Number 6, and, Mr. Ventura, this is you

1 and Rebeca; is it not?

2 A. Uh-huh.

3 **THE REPORTER:** Again, "yes" or "no," if you would.

4 **THE WITNESS:** Yes, sir.

5 **BY MR. RUTER:**

6 Q. And do you recall when it was that you -- is this
7 Virginia Beach?

8 A. I took her to several beaches, ocean view, to -- but,
9 yes, this is Virginia Beach. I recognize it by the hotels.

10 Q. And why did you take her there?

11 A. As I mentioned, she was so enthusiastic the first time.
12 The second time, to Ocean City. After that, here in
13 Baltimore, there is a river -- I forget the name. I think
14 it's Patapsco. I don't remember well, but there is a park
15 there, too.

16 Q. Right. That's right.

17 A. It's a pretty place there. I took her there, too. Since
18 she liked the water, I was taking her around. The day I took
19 her to Virginia Beach, I told her, "You're going to like
20 this." When she saw the beach, she took off running into the
21 water.

22 Q. Mr. Ventura, you heard Rebeca testify sometime ago,
23 didn't you?

24 A. (Witness nodding head in the affirmative.)

25 Q. You have to say "yes" or "no."

1 A. Yes.

2 Q. And you heard her testify about her stay in Virginia
3 Beach, didn't you?

4 A. And that's what hurts me.

5 Q. And do you recall that she testified that you had taken
6 her to Virginia Beach for the purpose of having her do
7 prostitution?

8 A. That's what she said, but that bad guy is the one who
9 told her that.

10 Q. Why -- why did you take her there?

11 A. First of all, she likes water. In the photos, you can
12 see there is a little street there, and she was riding a
13 bicycle there, too, very pleased. The bicycles on Virginia
14 Beach -- and I wouldn't want anyone to let me lie. The two of
15 us were pedalling, one on each side. Excuse me. One goes in
16 the back, and one in the front. And, if there are children,
17 they can also go in front, and pedal away.

18 If you see the photo, that was like around 6:00 in
19 the evening, if you look carefully at the photos. I want you
20 to believe me. This guy is the one who paid her. The girl
21 was crying. She will never forget what I did for her --
22 never.

23 Q. Mr. Ventura --

24 A. This is the mean guy who is right here -- the bad one --

25 Q. Mr. Ventura --

1 A. -- but God will make him pay.

2 Q. Mr. Ventura, your relationship with Rebeca became a
3 sexual relationship; did it not?

4 A. There are here a lot of ladies present. Initially, I saw
5 her differently from other women because of the type of work
6 she did. I asked her, "If you were to fall in love with
7 someone, would you dare to leave this profession?"

8 Her first answer was, "It would depend on if my man
9 would help me."

10 **INTERPRETER BLUMBERG:** And the interpreter requests
11 permission to clarify a term. M-A-R-I-D-O --

12 **THE WITNESS:** (In English) Fiancée is in English.
13 (Through interpreter) In English, we use this word in
14 El Salvador to mean fiancée. So that the Americans can
15 understand better, in some countries, *marido* means wife or --
16 excuse me -- husband. Husband. She mentioned to me that her
17 parents were very elderly, and she had her younger brothers
18 and sisters. And I helped her a lot. I remember I helped her
19 family a lot.

20 **BY MR. RUTER:**

21 Q. And, Mr. Ventura, the question was: Did your
22 relationship with Rebeca become a sexual relationship?

23 A. No, hardly not. We used to go out. No, of course we'd
24 go out, and obviously she would -- she would come close to me,
25 and, yes, sometimes we went to the beach, we made love, and

1 she was very happy.

2 Q. All right. And, as a result of your relationship, did
3 you two have a child together?

4 A. Well, she had -- I hadn't met her -- I didn't know her
5 very well. She had a daughter. When she was walking along
6 the street, I actually thought she was my own child, because
7 the little girl has her eyes like mine, kind of like Asian
8 eyes, and the little girl would call me "Papi."

9 Q. And, as a result of your sexual relationship with Rebeca,
10 did you have a child with her?

11 A. To be honest, by the photo that I saw, I believe it's a
12 boy, because she was pregnant. She was pregnant, and she
13 wanted very much to become pregnant. That's why I got mad at
14 my lawyer, because how could it be that they didn't bring in
15 the medical records of Rebeca?

16 The first time that Rebeca got pregnant -- and I
17 don't remember the date, because, as I've said, I've been
18 isolated -- I remember that we were in -- at the casino park
19 race -- near Pennsylvania, but I don't want to be like a liar
20 in front of everyone. It has two floors. I know that almost
21 everyone here is from here, around Baltimore, and they know
22 that this casino has two floors. It has an elevator or
23 escalator. I think it was summer. She was always with me as
24 if she were a key ring. She liked to go around all the time
25 in the car.

1 We left the casino because she said she felt a
2 little pain. I told her, "Do you want a Tylenol?"

3 She said, "I just feel a little pain here, and
4 this -- I'll get over it."

5 And I asked her, "Do you think you might be
6 pregnant?"

7 She told me, "Good question," and she said to me,
8 well, that she had been about four weeks, up to two months
9 that she was pregnant or -- excuse me -- that her menstruation
10 hadn't started. I got very worried about this when we left
11 the casino, because I had a lot of -- I valued her a lot.
12 When she told me that, I imagined -- when she told me that, I
13 imagined that it had something to do with the baby, that she
14 was pregnant, and then she was trembling from the pain along
15 the way.

16 And so the point is here that the record has been
17 hidden so that you won't be able to see that I am a person who
18 has helped another person and not the bad guy that's being
19 described here.

20 Q. Well, Mr. Ventura, as a result of her pain, did you take
21 her to the hospital?

22 A. Good question. Yes, sir.

23 Q. And tell us about that, please.

24 A. Yes. As you can see, I do speak English. Once in a
25 while, I can make myself understood with my lawyer, and, if he

1 doesn't understand me in words, then I do sign language with
2 him, and he gets it. So I use my hands in sign language,
3 gestures. In the hospital -- I remember, in front of that
4 hospital, there is a cross and a cemetery. I speak enough
5 English for you to understand me. And I said, "I'm bringing
6 an emergency case here."

7 And so I brought her in. In order for them to take
8 care of her quickly, I said that her water had broken,
9 quickly. In English, I said she was -- and they understood
10 me -- became water. They put her in the emergency room
11 immediately, and they -- and noted that she had an infection
12 in her bellybutton.

13 I've never been hiding from the agent. I showed
14 them my license at the hospital that day. They must have that
15 information, which is very important. It's a hospital, where
16 I saved the life of someone. He's not presenting that,
17 because he knows that I was saving a life, and here, there are
18 women, and I believe they have gone to emergency rooms in a
19 hospital. I imagine some of the ladies here have had
20 children, and they know how appreciative they would be to have
21 someone take them to the emergency room at the hospital.

22 Sir, that day, an infection was detected in her
23 bellybutton, and, because of her use of cocaine and alcohol,
24 her blood was very weak. She didn't have a lot of blood in
25 her system. I told the doctor that, if she needed blood, that

1 he could check my blood type, and, if she needed blood, I
2 would give her my very own blood. I had no tattoos on my
3 body. The doctor said, "We'll think about it, and who will
4 take responsibility here?"

5 Q. Now, Mr. Ventura, did you come to realize that she was
6 pregnant on that occasion, or was she not pregnant?

7 A. She was pregnant, sir.

8 Excuse me. I'd like to finish. I want them to know
9 what happened.

10 Q. Yes.

11 A. They removed the baby. I believe it's called -- I'm not
12 sure -- the placenta, where the baby is formed, and the baby
13 had been formed outside of the placenta. That is what almost
14 caused her death, and they operated on her. It's not possible
15 that the people of the Government do not have this important
16 information, and my lawyer doesn't, either.

17 Q. Mr. Ventura, do you recall the --

18 **MR. RUTER:** Your Honor, I'm sorry. It appears to be
19 five minutes before the hour of --

20 **THE COURT:** Okay. Come up.

21 (Whereupon, the following discussion occurred at the
22 bench.)

23 **THE COURT:** How much time do you need?

24 **MR. RUTER:** For Judge Bredar, you mean, Your Honor?

25 **THE COURT:** Yes.

1 **MR. RUTER:** I cannot imagine it would be more than
2 45 minutes.

3 **THE COURT:** Okay. Picking up at 3:00 safe?

4 **MR. RUTER:** Yeah. Thank you so much, Your Honor. I
5 appreciate it.

6 **THE COURT:** Okay. Step back.

7 (Whereupon, the bench conference was concluded.)

8 **THE COURT:** Members of the jury, we're going to take
9 an early break. We will resume at 3:00. Please remember:
10 Don't discuss the case among yourselves or with anyone else.
11 We will resume at 3:00.

12 We're in recess.

13 **THE CLERK:** All rise. This Honorable Court stands
14 in recess until 3:00 p.m.

15 (Jury excused.)

16 (Recess taken, 1:54 p.m. - 3:10 p.m.)

17 **THE CLERK:** All rise. This Honorable Court now
18 resumes in session.

19 **THE COURT:** Ready for the jury?

20 **MR. RUTER:** Yes. Thank you very much, Your Honor.

21 (Jury enters.)

22 **THE COURT:** Please be seated.

23 Please remind the witness.

24 **THE CLERK:** I'd like to remind you: You're still
25 under oath.

1 **THE COURT:** Question.

2 **MR. RUTER:** Thank you, Your Honor.

3 **BY MR. RUTER:**

4 Q. Mr. Ventura, before the break, you had told us that you
5 had taken Rebeca to the emergency room because she was feeling
6 poorly; is that correct?

7 A. That's right.

8 Q. And do I understand that she had a miscarriage on that
9 particular day?

10 A. Unfortunately, yes.

11 Q. Okay. Do you recall during the Government's case that
12 there were some photographs of Rebeca shown to the jury where
13 she was seated inside of a hospital?

14 A. Actually, on those pictures, you can't really tell if
15 it's a hospital or whatever. It could have been like a police
16 station or whatever.

17 **MR. RUTER:** May I approach the witness, Your Honor?

18 **THE COURT:** Yes.

19 **BY MR. RUTER:**

20 Q. Mr. Ventura, these are the photographs I'm referring to.
21 They're called Government Exhibit 28h/3, 4, 5, and 6. These
22 are the ones I'm referring to. Remember those?

23 A. I've taken her to the hospital or hospitals. They
24 immediately put her on a bed, so I don't know -- this could
25 have been on the second pregnancy or whatever.

1 Q. Okay.

2 A. If you show me pictures of the building, because you
3 never showed me the photos -- I think you did show me this.
4 I'm not really sure. The point is I'm here sitting anyhow
5 without any chance to see my evidence for my case. I have
6 never had discovery or anything, ladies and gentlemen.

7 **THE COURT:** Please ask the Defendant --

8 (Witness speaking in Spanish.)

9 **THE COURT:** Please ask the Defendant not to make his
10 speeches now, but to answer the questions.

11 **THE WITNESS:** It's a little bit hard to figure out
12 in the picture what it is, and it's obviously -- could be a
13 hospital, but it could be another public place, but, yes, I
14 have taken her to many places like that.

15 **BY MR. RUTER:**

16 Q. Mr. Ventura, do you recall that, when Ms. Franco
17 testified, that she was shown these pictures? Remember that?

18 A. I think so, yes.

19 Q. Okay. And do you remember, when she testified, she said
20 that she had been taken by you to this hospital or clinic, but
21 for -- a medical facility?

22 A. Yes. I remember, and it's hurt me quite a lot to know
23 that she said she didn't want to have children. Why would
24 I --

25 **INTERPRETER GOLDSTEIN:** Pardon.

1 **THE WITNESS:** She said --

2 **INTERPRETER GOLDSTEIN:** Interpreter corrects.

3 **THE WITNESS:** That she said that I didn't want to
4 have children. If that were the case, why would I have gotten
5 her pregnant twice?

6 **BY MR. RUTER:**

7 Q. Mr. Ventura, the question is: Do you recall what the
8 medical problem was that she had when you took her to this
9 particular facility on this particular date?

10 A. I'm going to ask the Judge to please ask my attorney to
11 show pictures of the time I took her to the hospital the first
12 time for the infection she had in her bellybutton where she's
13 lying on one of those stretchers, that you have to have a
14 picture at the hospital. That was the most important day. I
15 saved her life that day. And I can say it right now to my
16 woman, or my wife. I saved her life.

17 Q. All right. Let me try a different way.

18 Mr. Ventura, did you take Rebeca to see a doctor on
19 more than one occasion?

20 A. Many times, sir.

21 Q. Okay. And these pictures that the jury's already seen,
22 is that an example of a time when you took her to be examined
23 by a doctor for some reason?

24 A. It could have been the second time when she was applying
25 for insurance, for the WIC that women get. That day, she

1 spoke to -- Hispanic, because I asked them specifically to do
2 it so she could understand them clearly. You keep asking me
3 to answer "yes" or "no," but I have to tell the public exactly
4 the details of each one of those pictures.

5 It could have been, Mr. Ruter, the second time when
6 she was pregnant, and I had asked her to apply for -- for this
7 WIC, or insurance for the baby, because she didn't have
8 insurance, and I told her that she and the baby have to have
9 insurance. "Remember the day," I said to her, "that you lost
10 the baby when it developed outside?" It was perhaps because
11 she was weak, and the doctor had said she had that infection
12 in her bellybutton. That's the time that I prohibited -- I
13 told her she definitely could not -- to ever, ever in her life
14 work in prostitution again, and, if you do it, that's it,
15 we're done. Forget about me, and live your life however you
16 want.

17 That's what I did, and I swear this on my children
18 who are alive, that it's not what this man kind of put into
19 her head to come and testify against me and to bring a lying
20 doctor here to say that the scar was six months old when I was
21 arrested in 2010 and they brought in pictures from 2011.

22 Q. Mr. Ventura -- Mr. Ventura, did you ask or request
23 Ms. Franco to work in the prostitution business for you?

24 A. I repeat it to that man again. I don't know if he heard
25 me the first time. I told her that I prohibited her from

1 doing it, that, if she loved me, she had to stop working, and
2 remember the infection you had in your bellybutton. That's
3 caused by that kind of thing.

4 I don't know why you don't show pictures of that
5 hospital, sir. You said you had an investigator. Why don't
6 you show the public and say, "Here it is"?

7 Q. There are no pictures, Mr. Ventura.

8 A. There aren't any, or did you hide them so that the public
9 here doesn't see me in a good light?

10 Q. Mr. Ventura, when was it that you asked Ms. Franco to
11 stop being involved in the prostitution business? Do you
12 remember?

13 A. The day of her operation. It hurts me to keep repeating
14 this, the abortion basically, because it was my child.

15 **INTERPRETER BLUMBERG:** Miscarriage. Miscarriage.

16 **INTERPRETER GOLDSTEIN:** Interpreter clarifies. The
17 word I heard in Spanish is aborta, A-B-O-R-T-A, which is
18 abortion in English. Perhaps there is another name.

19 **DEFENDANT VENTURA:** (In English) In Spanish,
20 abortion, miscarry.

21 **INTERPRETER GOLDSTEIN:** Abortion, miscarriage
22 perhaps.

23 **BY MR. RUTER:**

24 Q. When Ms. Franco testified, Mr. Ventura, did you hear her
25 testify that you had struck her on different occasions?

1 A. I heard that, but that's something that that guy over
2 there put in her head. That's something that they made her do
3 when she came here. Did you see her when she was crying also?
4 She felt guilty in her heart.

5 Q. Mr. Franco, or Mr. Ventura, here is the question: Did
6 you ever strike Ms. Franco?

7 A. As any couple, I can tell you, we've argued.

8 **THE REPORTER:** I'm sorry. One more time. One more
9 time.

10 **INTERPRETER GOLDSTEIN:** As any couple would, we've
11 argued.

12 **THE WITNESS:** And I'm going to say this here in
13 front of all of these people here. If these fingers have ever
14 touched a woman to hit her, I'll cut them off. It's only a
15 fag that would touch a woman.

16 **BY MR. RUTER:**

17 Q. You did not push her to the ground and injure her elbow;
18 is that right?

19 A. Unless it was on the beach when we went to go swimming,
20 when we were playing, but I never saw her with a scrape.

21 Q. Did you ever strike her with a belt somewhere and the
22 belt hit her thigh somewhere?

23 A. Why would I have to hit her? She's not an animal that
24 you would have to hit like that. She's a human.

25 Q. Did you ever strike her somewhere on her hand on a car

1 door?

2 A. I've never touched her.

3 Q. Okay.

4 A. Unless she hurt herself or fell down, but all the time
5 that she was with me, I never saw her with any bruises. I've
6 never in my life touched a woman. I had a woman that I had
7 for ten years with two children. They have the pictures.
8 She's very beautiful.

9 I like pretty women. I don't discriminate anyone,
10 but I like pretty women. So, during those ten years, why
11 didn't I exploit my wife? In the 17 years I've been living
12 here in the United States, if I like to hit women, wouldn't I
13 have charges from the police for having hit women? There is
14 many -- there are many intelligent adults here.

15 **MR. RUTER:** If I could have a moment, Your Honor,
16 please?

17 **THE COURT:** Yes.

18 **THE WITNESS:** I would like to see the pictures of my
19 wife, the mother of my children, Yenis Ruiz, please, where
20 she's pregnant and getting graduated.

21 (Witness speaking in Spanish.)

22 **THE COURT:** Madam Interpreter, please tell the
23 witness there is no question pending. Therefore, he should
24 not be speaking.

25 **MR. RUTER:** Thank you, Your Honor.

1 **THE WITNESS:** I'm sorry, Your Honor.

2 **MR. RUTER:** Can we approach, Your Honor?

3 **THE COURT:** Come up.

4 (Whereupon, the following discussion occurred at the
5 bench.)

6 **MR. RUTER:** Your Honor, I ordinarily would not do
7 this, but I'm wondering -- I'm asking for an advisory opinion.
8 If I could ask Mr. Ventura if there is anything that I have
9 neglected to ask him that he believes is relevant to his case,
10 one might object to that kind of a question, but there is no
11 question in my mind that, if I don't ask such a question,
12 there will be questions raised in the future.

13 **THE COURT:** Oh, we're way past that point.

14 **MR. MONTEMARANO:** That ship has sailed and sunk.

15 **THE COURT:** We can see the burning embers of that
16 ship from afar.

17 **MR. RUTER:** I think so, Your Honor.

18 **THE COURT:** The answer will be: No, you will not be
19 able to place that question, calling for a speech on behalf of
20 Mr. Ventura.

21 **MR. RUTER:** Thank you, Judge.

22 (Whereupon, the bench conference was concluded.)

23 **MR. RUTER:** Your Honor, that concludes my
24 examination of Mr. Ventura. Thank you.

25 **THE COURT:** Cross?

1 **MR. CUNNINGHAM:** Yes, Your Honor. Thank you.

2 **CROSS-EXAMINATION**

3 **BY MR. CUNNINGHAM:**

4 Q. Mr. Ventura, I'm going to ask you questions that, for the
5 most part, will require a short "yes" or "no" answer. Do you
6 understand?

7 A. It depends what you ask me, sir. I will answer. If you
8 try to invade me or try to find me guilty, I will stand up and
9 sit there. That's --

10 **THE WITNESS:** (In English) No, no, no, no. No
11 guilty. (Through Interpreter) No. I'm not guilty. If you
12 try to find a way to confuse me to say "yes" or "no," then I
13 will not answer.

14 **BY MR. CUNNINGHAM:**

15 Q. Well, let's go back to the question that I just asked
16 you. Did you understand that my questions to you will largely
17 require a "yes" or "no" answer?

18 That's one of them. Yes or no?

19 A. I'll answer yes.

20 Q. And, in fact, you actually understand me as I speak
21 English, don't you, Mr. Ventura?

22 A. If you say so, I do understand.

23 Q. Oh, come on, Mr. Ventura. You've spoken English to
24 investigators, to the man over here, whose credibility you've
25 tried to impugn on numerous occasions. You've communicated

1 with the Judge. You've written in English, and you're sitting
2 here telling me --

3 **MR. MONTEMARANO:** Objection.

4 Q. -- you don't understand?

5 **THE COURT:** Slowly, slowly, please.

6 **THE WITNESS:** Okay, sir --

7 **THE COURT:** Sustained.

8 **THE WITNESS:** -- I will answer right now.

9 **MR. CUNNINGHAM:** You don't have to answer that
10 question.

11 **THE COURT:** The jury will disregard any comments
12 about correspondence between the Defendant and the Judge. It
13 has not place in your consideration, so ignore that.

14 **BY MR. CUNNINGHAM:**

15 Q. My point is, Mr. Ventura, you have plenty of time to
16 think about your answer because you understand what I'm
17 saying, and then it gets translated to you, right?

18 A. I understand.

19 Q. Now, for the most part, your testimony, when Mr. Ruter
20 was asking you questions -- certainly the last part of your
21 testimony suggested that Rebeca Dueñas testified the way she
22 did because of the influence of the Government; is that right?

23 A. 100%. I swear for my children, that is right. And that
24 gentleman, he deports Latinos for any reason, and he takes the
25 children away from immigrant women to force them to testify.

1 On the 15th of November, that this gentleman arrested me, he
2 told me that Social Services had my two children, but he --
3 this gentleman should know that Yenis Ruiz was an American
4 citizen, so he wasn't able to extort her. I swear by my two
5 children.

6 Q. Well, Mr. Ventura, you have -- at one point in time, you
7 said you didn't know what you're charged with. In fact, you
8 had the charges fully described to you, correct?

9 A. I'll repeat once again, sir. I was never able to prepare
10 for this trial. I was never shown any evidence or the CDs or
11 the photographs, because you didn't let my lawyer show me
12 that.

13 **MR. CUNNINGHAM:** Your Honor, I'm going to ask that
14 you instruct the witness to answer the question posed to him.

15 **THE COURT:** I'll try.

16 (Laughter.)

17 **THE COURT:** Please do that, sir.

18 **THE WITNESS:** I'm answering to the gentleman the way
19 it is.

20 **BY MR. CUNNINGHAM:**

21 Q. No, Mr. Ventura, you're not. My question to you was:
22 It's correct that you've been told what you're charged with;
23 "yes" or "no"?

24 A. I'm telling you again, sir: I was never shown any
25 evidence. These are the only papers I have about my charges,

1 so how am I going to respond?

2 No. I'm sorry. I'm lying. This is the only thing
3 they gave me when I came here to trial. The gentleman -- the
4 lawyer gave me this. So I can't answer what he wants me to
5 answer "yes" or "no."

6 Q. So let's try this one, then. Yes or no: You have been
7 present --

8 A. I can't answer. Sorry.

9 Q. Yes or no, Mr. Ventura: You have sat at the Defense
10 table throughout the presence --

11 A. No, I don't know. I haven't seen it.

12 Q. Wait until I finish the question, Mr. Ventura.

13 Yes or no: You have sat in that chair through the
14 presentation of the testimony of all the witnesses in this
15 case against you? Yes or no?

16 A. Yes. I saw the witnesses that you paid for them to come
17 here and testify against me and gave them residency. Yes, I
18 saw them. I -- I saw the killers also that were paid to come
19 here and testify against me.

20 Q. By the way, speaking of that, you know the other
21 defendant that sat at the table with you throughout this
22 trial, don't you?

23 A. I don't even know you. I don't remember anybody, sir. I
24 don't care about anybody else's life.

25 Q. I didn't ask you that.

1 A. Why don't we talk about the day they arrested me.

2 Q. Why don't you answer my questions, Mr. Ventura.

3 A. I don't know anybody, sir.

4 Q. You don't know the Defendant who is with you at the
5 Defense table, Kevin or Kerlin Fuentes?

6 A. Mr. Government, did you hear me? I don't know anybody.
7 I don't care about anybody else's life.

8 Q. So let's go through --

9 A. I'm here to give my testimony to defend myself.

10 Q. Do you know Freddy Soriano?

11 A. I told you, sir: I don't care about anybody else's life.
12 I don't know anyone.

13 Q. I didn't ask whether you care about them, Mr. Ventura.

14 A. I don't know anybody.

15 Q. You don't know anybody?

16 A. I don't know anybody.

17 Q. Are you going to answer any of my questions, Mr. Ventura?

18 A. I'm here, sir, to defend myself against the testimony of
19 the people that you put here on this chair that you paid --
20 that you gave them residency to, the criminals and the
21 killers.

22 Q. By the way, you have no evidence whatsoever that the
23 Government gave money to anybody, do you, Mr. Ventura; yes or
24 no?

25 A. I told you, I don't -- I am not interested in anything.

1 I don't know anything this gentleman is talking about, but I
2 do remember --

3 **MR. CUNNINGHAM:** Your Honor, can we approach.

4 **THE COURT:** Come up.

5 **THE WITNESS:** -- he left me in Super Max for seven
6 months, and he postponed my case for two years.

7 (Whereupon, the following discussion occurred at the
8 bench.)

9 **MR. CUNNINGHAM:** Your Honor, I don't want to -- and
10 I apologize for my comment about his communication with the
11 Court. I didn't mean to interject something which would be
12 beyond what -- I have independent evidence, which I will
13 probably get to about his ability to communicate in English.

14 **THE COURT:** You know, many years ago, when I taught
15 trial advocacy -- actually, for about the 25 years that I
16 taught trial advocacy for MICPEL, I always told the students
17 that one of the most important decisions you make in a case --

18 **MR. CUNNINGHAM:** Is whether to cross-examine?

19 **THE COURT:** -- is whether to cross-examine.

20 **MR. CUNNINGHAM:** I understand. I understand, Judge,
21 and, in fact, I suppose we're at a point -- I do want to go
22 down this path a little bit, but I think the point --

23 **THE COURT:** I think you've made your point. I'm not
24 so sure he's helping himself by this display.

25 **MR. CUNNINGHAM:** I understand.

1 **THE COURT:** I think the jurors' laughter at him is
2 an indication that he's not helping himself.

3 **MR. CUNNINGHAM:** I understand, Judge. Well, I'll
4 see if I can --

5 **MR. RUTER:** Was there laughter?

6 **MR. CUNNINGHAM:** I guess the one thing, to the
7 extent obviously that we have a case not just against him, but
8 against Mr. Fuertes, and, with the opportunity to probe in
9 some areas --

10 **THE COURT:** Why bother Mr. Fuertes? He's been there
11 cowering, hiding in the grass, trying not to be noticed.

12 **MR. CUNNINGHAM:** Well -- and I --

13 **MR. RUTER:** He can't cross-examine Mr. Ventura --

14 **MR. MONTEMARANO:** And, Your Honor, that's far beyond
15 the scope of direct.

16 **THE REPORTER:** I can't take all three of you.

17 **MR. MONTEMARANO:** And, Your Honor, that's far beyond
18 the scope of direct. My client's name never came up during
19 direct, and, beyond the identification question, which I was
20 going to give Mr. Cunningham, you'll be hearing me come out of
21 my chair like a rocket every time my client's name comes up.

22 **MR. CUNNINGHAM:** I don't think the Government's
23 constrained by the scope of direct in terms of cross-
24 examination when credibility is at stake.

25 **THE COURT:** The Government has a fairly wide-ranging

1 license. The question is whether they wish to exercise that
2 license.

3 **MR. CUNNINGHAM:** I understand, Your Honor. I
4 will --

5 **THE COURT:** Since it apparently will spring load
6 Mr. Montemarano.

7 **MR. MONTEMARANO:** Your Honor, I have about --

8 **THE COURT:** You'll do your Jack-in-the-box
9 impression.

10 **MR. MONTEMARANO:** I have been so quiet and so
11 restrained during the course of --

12 **THE COURT:** I didn't recognize you.

13 **MR. MONTEMARANO:** Beyond the lack of the mustache.
14 You're wondering, who are you, and what have you done with
15 Mr. Montemarano?

16 I figure, at some point, I've got to earn my pay, so
17 I'm going to -- I think I'm going to have to make an issue out
18 of this repeatedly.

19 **MR. CUNNINGHAM:** Let me see what responses I get to
20 a few of the questions.

21 **THE COURT:** Sure.

22 (Whereupon, the bench conference was concluded.)

23 **BY MR. CUNNINGHAM:**

24 Q. Now, Mr. Ventura, you heard the testimony of a number of
25 people; yes or no?

1 A. The ones you paid? Yes.

2 Q. Okay.

3 A. The witnesses you paid?

4 Q. Yes or no: You heard the testimony of a number of --

5 (Witness speaking in Spanish.)

6 **THE REPORTER:** I can't take all of you at the same
7 time. Sorry.

8 **THE COURT:** Could we restrict it to two people
9 talking at the same time?

10 (Laughter.)

11 **INTERPRETER KIRCHGESSNER:** Interpreter will attempt
12 to repeat, Your Honor.

13 **THE WITNESS:** I'm sorry, sir, but you have to
14 understand that I'm upset because this gentleman did not give
15 me the opportunity to defend myself.

16 **THE COURT:** Yes, sir. You've made that point
17 several times. I think it's been heard. Quiet, please.

18 Question.

19 **BY MR. CUNNINGHAM:**

20 Q. Mr. Ventura, you know the man that testified, Mr. Guillen
21 Garcia; yes?

22 **MR. RUTER:** Objection, Your Honor.

23 **THE COURT:** Overruled.

24 **THE WITNESS:** I've never seen a Guillen Garcia here,
25 sir.

1 **BY MR. CUNNINGHAM:**

2 Q. And you know the man that testified, Hector Avila; yes?

3 A. No. The one that you asked me, he's not here on the
4 list.

5 Q. Oh, you're only going to answer questions about people on
6 a list, Mr. Ventura?

7 A. Sir, I'm here sitting here in order to defend myself of
8 the testimony of the people that testified against me, because
9 I saw them here.

10 Q. And my point is: You knew Hector Avila before he came in
11 here and testified; yes?

12 **MR. RUTER:** Objection.

13 **THE COURT:** Overruled.

14 **THE WITNESS:** But I do remember that he said that
15 you had negotiated with him in order to come and testify so he
16 could get out of the prison where he is.

17 **BY MR. CUNNINGHAM:**

18 Q. Well, in fact, he's still in prison. You saw him in
19 prison garb, right, Mr. Ventura; yes or no?

20 A. That's what I heard, but I'm in CDF, and he's in
21 Annapolis, I think, right? It's difficult to see him,
22 Mr. Cunningham.

23 Q. The problem, Mr. Ventura, is you actually understand my
24 question in English, and you want to start answering it before
25 the translator has had an opportunity to translate it, so why

1 don't you just wait until I'm done with the question and she's
2 done translating.

3 You knew Hector Avila before he came into this
4 courtroom and testified; did you not?

5 A. May I say something?

6 Q. You may say "yes" or "no."

7 A. No. I'm asking you permission so you don't get upset.
8 Can I talk?

9 Q. No, you can answer my question "yes" or "no."

10 A. That's to talk, to answer. I don't know anybody, sir.

11 Q. Oh, so you don't know Freddy Soriano?

12 A. No, sir. I don't know anybody, and, if I know him, I
13 don't care about anybody else's life.

14 Q. And you don't know Kerlin Fuentes or Kevin Fuertes, also
15 known as Flaco?

16 **MR. MONTEMARANO:** Objection, Your Honor. Asked and
17 answered.

18 **THE COURT:** Well, it was asked.

19 **THE WITNESS:** I do know you. I do know you, because
20 you took me up there to the third floor with Mr. Bittner,
21 handcuffed, and asked me questions that you want me to
22 cooperate, but I don't know him.

23 **BY MR. CUNNINGHAM:**

24 Q. You don't know Defendant Flaco?

25 A. I know you.

1 Q. That's not my question to you, Mr. Ventura. My question
2 to you was about Defendant Flaco.

3 A. I'm answering, sir. How many times do you want me to
4 tell you that I don't know him and I don't care about anybody
5 else's life, sir?

6 Q. So all the evidence that showed your connections with him
7 is all just a made-up lie; is that your story, Mr. Ventura?

8 **MR. RUTER:** Object, Your Honor.

9 **THE COURT:** What's the basis of the objection?

10 **MR. RUTER:** It's argumentative.

11 **THE COURT:** Overruled.

12 **THE REPORTER:** I'm sorry, sir?

13 **MR. RUTER:** Argumentative.

14 **THE COURT:** Overruled.

15 **THE WITNESS:** Yes, by them.

16 **BY MR. CUNNINGHAM:**

17 Q. Mr. Ventura, the man that came in here and spoke in
18 Korean, Joong Kim, do you know him; yes or no?

19 A. Yes. I speak Korean as well, a little.

20 Q. And you knew him because you rented the space on [REDACTED]
21 [REDACTED] from him, right?

22 A. Good question, sir. Now we can talk if you give me the
23 opportunity, because you only want "yes" or "no," and I can't
24 say "yes" or "no." I have to explain first how I met him.

25 Q. No, you don't; you just have to answer my question

1 whether you knew him.

2 A. Why can't I explain to the public, Mr. Cunningham, how I
3 met the gentleman?

4 **THE COURT:** Mr. Ventura, again, here in this
5 country, we have certain rules about trials. One of the basic
6 ones involves the different parts that people play at trial.
7 There are witnesses, and generally they answer questions that
8 are put to them by the attorneys. Our system does not allow
9 for the witnesses to engage in essentially commentary or
10 arguments with the attorneys. It proceeds question from
11 lawyer, answer from witness.

12 **THE WITNESS:** I apologize, Your Honor. I wanted
13 this to be very clear.

14 **THE COURT:** Your lawyer, Mr. Ruter, will have
15 another chance to ask you questions to develop things as a
16 result of cross-examination by Mr. Cunningham.

17 **BY MR. CUNNINGHAM:**

18 Q. Mr. Ventura, you heard the testimony of a man who
19 identified himself as Carlos Campos. Do you remember hearing
20 his testimony?

21 A. Are you asking me now about [REDACTED] and now Campos?
22 I don't understand. Which question do you want me to answer?

23 Q. I'll repeat my last question for you.

24 You heard the testimony of Carlos Campos, correct?

25 A. No. I heard Joong Kim, if I had rented from him. That

1 was the last question you asked me.

2 (Laughter.)

3 **INTERPRETER GOLDSTEIN:** The interpreter is
4 requesting that Mr. Ventura please don't talk while the
5 interpreter is speaking in English.

6 **THE COURT:** Yes. Please don't do that, Mr. Ventura.

7 **BY MR. CUNNINGHAM:**

8 Q. All right. I'll give you this chance. You knew Mr. Kim
9 because you rented space in the residence on [REDACTED]
10 that he ended up acquiring, correct?

11 A. No, sir. I met him at Home Depot, gave him my card, and
12 I repaired the sewer. Go to the basement of the house, and
13 you'll see where I cut. I changed his pipes, which are lead,
14 and changed them to copper. I took -- I changed -- I took
15 a -- an excavator, and I changed his whole sewer system
16 because it was connected to the main, and the old pipe was
17 filling the whole house with water. Yes, I know him, and he
18 didn't pay me for what I did.

19 Q. So, when Mr. Kim came in here and testified that you
20 rented space in that building and Mr. Fuertes was in that
21 building, he was lying?

22 A. Did you hear me say no? Did Kim tell you that he was
23 selling drugs?

24 (Laughter.)

25 Q. My --

1 A. He didn't tell you that?

2 Q. Were you purchasing them from him, Mr. Ventura?

3 A. When I was repairing, a lot of people were coming to buy.
4 The man doesn't have his tax records. He has a repair company
5 for tires. Mr. Kelly knows about his little repair company
6 for tires. It's just a little jack that he has to repair
7 with. And I wonder why the police aren't suspicious. Why
8 doesn't the Government get into the drug trafficking that's
9 going on there?

10 Q. So do I understand you, then, to --

11 A. I have never rented that place, sir.

12 Q. Okay.

13 A. And I don't know that man, either. He looks like
14 Chaparrito (phon), the guy on TV, but I just met him here. I
15 met him here.

16 Q. Okay. So that whole -- never mind. We'll move on.

17 (Laughter.)

18 Q. Let me try to get something about Carlos Campos. You
19 heard Carlos Campos come in here and testify, correct?

20 A. Yes, sir. Yes.

21 Q. Thank you.

22 A. I can't say you're welcome, because I'm really not. So
23 please excuse you, because I've been locked up for 28 months,
24 and I've never been given the evidence or the discovery
25 either.

1 Q. Well, let me ask you questions about Mr. Campos. You met
2 Mr. Campos in Annapolis, Maryland, right?

3 A. No, sir.

4 Q. So you had not met Mr. Campos before he came in here and
5 testified?

6 A. I had seen him.

7 Q. But you never had any personal contact with him?

8 A. No. Assume my brother, Chamino (phon), yes? You
9 remember my brother Chamino, right? No?

10 Q. I get to ask the questions, Mr. Ventura.

11 A. Excuse me.

12 Q. So, when Mr. Campos said that he had an encounter -- at
13 least one encounter with you and Defendant Fuertes, or Flaco
14 over there, Mr. Campos was lying?

15 A. I don't have a lie-detector machine to discover that,
16 sir, but you can see that all of them have been paid. He came
17 from El Salvador with his residence. He could invent whatever
18 he wanted to. But, yes, I do know him.

19 Q. And your account is that he was, in fact, lying, right?

20 A. What he said in my regard, yes, but I've never seen this
21 guy. And you --

22 **INTERPRETER BLUMBERG:** Okay. Okay. One moment.

23 **THE WITNESS:** And you want me to say, "Yes, yes, I
24 know him," and then how much will you give me? And will you
25 give me my residence, too, if I say that? Actually, I have my

1 residency already. I want my citizenship.

2 **MR. CUNNINGHAM:** We'll get to the residence
3 question.

4 **THE WITNESS:** So you want me to testify against
5 people I don't know? What kind of a government is this?

6 **MR. CUNNINGHAM:** No, Mr. Ventura, I just want you to
7 answer the questions.

8 **BY MR. CUNNINGHAM:**

9 Q. You heard the testimony of Carlos Ascencio; yes?

10 A. Excuse me.

11 Q. Yes or no.

12 A. You're trying to confuse me. Excuse me, but you're -- I
13 know your tricks. You're trying to confuse me. Are you
14 talking about Carlos Campos?

15 **INTERPRETER BLUMBERG:** Excuse me. Interpreter
16 corrects.

17 **THE WITNESS:** First you're talking about Carlos
18 Campos, then Carlos Ascencio.

19 **BY MR. CUNNINGHAM:**

20 Q. Well, they were different witnesses, weren't they?

21 A. Right, but you don't let me explain how I met Campos.
22 You just want "yes" or "no," "yes" or "no," "yes" or "no."
23 That's not how we do these things. There are a lot of
24 intelligent people here who know. They're observing that you
25 want to confuse me.

1 (Witness speaking in Spanish.)

2 **THE COURT:** Mr. Ventura -- Mr. Ventura, wait until
3 there is a question.

4 **BY MR. CUNNINGHAM:**

5 Q. I don't have a picture of Carlos Campos, so I won't be
6 able to put this picture up there. I can only ask -- you seem
7 to remember him as the man that actually came back. He had
8 been deported and came back to testify, and earlier I had
9 asked you if you met him, and you said, no, but you knew of
10 him through your brother, right?

11 A. Okay. I didn't even know he had been deported. I found
12 out here that he had received his residence because I was told
13 that here, that he -- that he --

14 **INTERPRETER BLUMBERG:** Okay.

15 **THE WITNESS:** That he had paid him, and he indicated
16 him there that he had given it to them, and the public saw it
17 as well.

18 **BY MR. CUNNINGHAM:**

19 Q. Well, the jury heard his testimony as to his status, so
20 we'll just leave them to recall what they heard, Mr. Ventura,
21 but my question was as to your contact with Carlos Campos.

22 So this is the question: You heard Carlos Campos
23 testify about an encounter he had with you and
24 Defendant Flaco. Was he lying about that?

25 **INTERPRETER BLUMBERG:** Excuse me. Your Honor, the

1 witness is directing himself to me and telling me to tell the
2 gentleman.

3 **THE WITNESS:** I came here to defend myself against
4 the witnesses who were obliged to come and testify against me.
5 I would ask you to please go one by one, and, if you're not
6 going to do that, then I'm just going to get up and sit down.
7 How will the public know how I met him and everything like
8 that, because he asks really tough questions like about a
9 weapon and everything. If not, that's fine. Otherwise, I'm
10 going to go sit down. Otherwise, we can't really be in
11 communication here, because your mission here is to put me in
12 jail, because you haven't given me the opportunity to receive
13 my evidence, my discovery. All you want to do is say, do you
14 know this person and have me say "yes" or "no." Do you know
15 this person, say "yes" or "no."

16 Now I understand that you came for him, and I wasn't
17 mistaken.

18 **MR. RUTER:** Object, Your Honor. Move to strike.
19 That is not responsive.

20 **THE COURT:** Well, again, it's the examiner's --

21 **MR. RUTER:** Yes, Your Honor.

22 **THE COURT:** -- objection. I will, however, remind
23 Mr. Ventura that he's not here to make speeches. He is here
24 to answer questions. I would advise him to do that.

25 **THE WITNESS:** Excuse me, Your Honor.

1 **MR. CUNNINGHAM:** Well --

2 **THE WITNESS:** I think that justice is really not on
3 my side; rather, injustice, and, if that is the case, then I
4 will stand up and go sit down. I've been given the
5 opportunity to sit here to defend myself and explain to the
6 Grand Jury the injustice that has existed.

7 (Witness speaking in Spanish.)

8 **THE COURT:** Mr. Ventura, you've sort of lurched into
9 making a speech again. Please be quiet until the question is
10 asked.

11 **BY MR. CUNNINGHAM:**

12 Q. Mr. Ventura, I'm showing you a photo, Government
13 Exhibit 12a/10. This is Carlos Ascencio. Do you remember --
14 he testified. Do you remember that?

15 A. I'm going to say the same thing before the public. I
16 can't go any farther here until I've been able to explain to
17 the public about Carlos Campos, please.

18 Q. Well, maybe Mr. Ruter will want to try that when he has
19 an opportunity to redirect, but I'm prepared to move on.

20 A. I can't really give you the luxury of doing what you want
21 here with my life. It's my responsibility --

22 **THE COURT:** Mr. Ventura, you're making a speech
23 again. Wait for the question.

24 **THE WITNESS:** Excuse me, but I can't deal with this
25 man.

1 (Witness speaking in Spanish.)

2 **THE COURT:** Mr. Ventura -- Mr. Ventura, wait for the
3 question.

4 **BY MR. CUNNINGHAM:**

5 Q. Yes or no: You heard the testimony of Carlos Ascencio?

6 A. I'm going to tell you the same thing I said before. I'd
7 like to finish what we were discussing about Carlos Campos and
8 then move on to Carlos Ascencio. Please respect my rights,
9 sir.

10 **THE COURT:** Mr. Ventura, you do not have a right to
11 direct the cross-examination of Mr. Cunningham. You have the
12 right to answer his questions.

13 **THE WITNESS:** I understand that, for 28 months, I
14 have not been able -- I have not had the right to prepare for
15 this trial --

16 **THE COURT:** Mr. Ventura, I do not want to have to
17 remove you from the witness stand, the courtroom, for the
18 remainder of the trial. So let me strongly urge you to do
19 what I've been directing you to do, which is to answer the
20 questions, not to make speeches. If you continue to make
21 speeches, I will consider that you have forfeited -- that is,
22 given up your right -- to attend these proceedings.

23 Question?

24 **THE WITNESS:** I would rather just sit down. I don't
25 want you to be angry with me, and I'd rather just go sit down.

1 I really don't want the Judge to be angry with me. I'd rather
2 just go sit down. I've -- you've heard already that I have no
3 right, so I think that's the best thing for me to do.

4 **THE COURT:** Mr. Cunningham, do you have additional
5 questions that you're dying to ask?

6 **MR. CUNNINGHAM:** I'm not dying to do anything, Your
7 Honor. I just think that the jury would have the right to
8 hear responses to certain things, but I apparently am not
9 going to get them.

10 **THE COURT:** I think it's unlikely.

11 **MR. CUNNINGHAM:** May I inquire if he's willing to at
12 least answer?

13 **THE COURT:** You may continue.

14 **BY MR. CUNNINGHAM:**

15 Q. Mr. Ventura, are you willing to answer the questions that
16 I ask of you; yes or no?

17 A. No, sir.

18 Q. No?

19 A. No. If we go in order, yes, I'd be delighted.

20 Q. I get to decide the order, Mr. Ventura.

21 A. I know. I know you decided to keep my paperwork, my
22 evidence, my discovery, the CDs --

23 (Witness speaking in Spanish.)

24 **THE COURT:** Mr. Ventura, you're making a speech
25 again.

1 **THE WITNESS:** You're right. Mr. Ruter was right.

2 **BY MR. CUNNINGHAM:**

3 Q. Mr. Ventura, maybe if we move to a different subject, we
4 might make some progress.

5 A. I would like to finish with Campos.

6 (Witness speaking in Spanish.)

7 Q. Mr. Ventura --

8 **THE COURT:** Members of the jury, I'm going to take a
9 brief recess. Please return to your jury room.

10 (Jury excused.)

11 **THE COURT:** Deputy, does the holding cell have audio
12 reception?

13 **THE MARSHAL:** No, sir.

14 **THE COURT:** Can you fix that up by tomorrow?

15 **THE MARSHAL:** I'll contact the cell block and see
16 what can be done.

17 **THE COURT:** Okay.

18 **THE MARSHAL:** In there, sir?

19 **THE COURT:** Yes.

20 **THE MARSHAL:** I'll look into it.

21 **THE COURT:** Okay. Mr. Cunningham, how much more do
22 you want to go with this?

23 **MR. CUNNINGHAM:** Well --

24 **THE COURT:** Why don't you confer with your trial
25 team.

1 **MR. CUNNINGHAM:** Thank you.

2 (Counsel conferring.)

3 **MR. MONTEMARANO:** Not in this lifetime.

4 **MR. CUNNINGHAM:** Judge, I'll try and -- actually, if
5 we can get responsive answers --

6 (Laughter.)

7 **MR. CUNNINGHAM:** Judge, if you want to give a
8 directed verdict, I can be done now, but the problem is
9 obviously that the Government's burden is pretty substantial,
10 and I suspect that we're going to hear argument and summation
11 attacking the credibility of Government witnesses, and, you
12 know, it is what it is, but I will move on to a different
13 area, see if it is in any way fruitful, at least in terms of
14 developing responsive answers from the witness, and -- I mean,
15 I -- if we can do that, Judge, I certainly would conclude my
16 cross-examination probably within an hour, but --

17 **THE COURT:** You are optimistic; I acknowledge that,
18 Mr. Cunningham.

19 **MR. RUTER:** Your Honor, please be certain to factor
20 in my three hours of redirect examination.

21 **THE COURT:** Well, that's the rest of this week.
22 Ready for the jury?

23 **MR. CUNNINGHAM:** Yes, Your Honor.

24 **THE COURT:** Okay. Now, again, I advise you all
25 that, if his behavior continues, I will have him removed from

1 the courtroom. He has been warned.

2 (Jury enters.)

3 **THE COURT:** Please be seated.

4 **BY MR. CUNNINGHAM:**

5 Q. Mr. Ventura, I'm showing you Government Exhibit 29a/9.

6 Is that you?

7 A. What happened to Carlos Ascencio now?

8 Q. Yes or no: Is that you?

9 A. Yes.

10 Q. That's you.

11 Government Exhibit 28b/1, that's your Astrovan; yes
12 or no?

13 A. What's all this pressure from this man, saying "yes or
14 no," "yes or no"? Sir, it's as if I were your worst enemy. I
15 know you want to put me in jail for a while, but take it easy.

16 Q. No. I just want you to answer my questions, Mr. Ventura.

17 That's your Astrovan, correct?

18 A. But you already know it's mine.

19 Q. I want you to answer my question.

20 **THE COURT:** You have your answer, Mr. Cunningham.

21 **THE WITNESS:** Yes, sir. Yes. Yes, Papi.

22 **BY MR. CUNNINGHAM:**

23 Q. 28b/3, that's you, right, Mr. Ventura?

24 A. Yes, Papi.

25 Q. I'm sorry. What?

1 A. Yes, Papi, because you're acting like my daddy, so I
2 might as well call you that. You're almost hitting me.

3 Q. Do you know who this is?

4 A. I'll repeat it: I don't care about people's lives. I
5 don't know anybody. This is me, and that's me.

6 Q. And I gather you don't know who this person is?

7 A. I know the one on this side here, the good-looking one,
8 over here, here.

9 Q. This guy? That's you?

10 A. No, this one. The good-looking one over here. This one,
11 that's me.

12 Q. This one?

13 A. Yes, that one.

14 Q. You know that person, but you don't know this person,
15 right?

16 A. If I met him, I don't remember. I don't know anybody,
17 sir, and I'll keep repeating: I don't care about anybody
18 else's life.

19 (Witness speaking in Spanish.)

20 **THE COURT:** Mr. Ventura, there is no question
21 pending.

22 **BY MR. CUNNINGHAM:**

23 Q. Government Exhibit 28b/12, that's you, right,
24 Mr. Ventura?

25 A. You've already seen me about four times, and you keep

1 asking me the same thing? Of course, sir, that's me.

2 Q. Government Exhibit 28d/5, that's you, right, Mr. Ventura?

3 A. I look pretty ugly here, but I guess it's me.

4 Q. 28d/6, that's you, too, right?

5 A. If you take that light away -- yeah, that's the same one.

6 You like my car, sir. Put it on the screen about ten times.

7 Q. Government Exhibit 28e/2, that's you in that picture,
8 right, Mr. Ventura?

9 A. Yes. Yes.

10 Q. Government Exhibit 28e/3, that's you in that photograph,
11 right?

12 A. Yes, sir. Yes.

13 Q. Government Exhibit 28e/7, that's you in that picture,
14 right, Mr. Ventura?

15 A. Again, the same picture. I think it's me, sir.

16 Q. You're not sure whether that's you, Mr. Ventura?

17 A. That's me, sir.

18 Q. Okay. And, the woman that's in this picture, that's
19 Bridgett Alcivar, right?

20 A. What?

21 Q. That woman is Bridgett Alcivar, right, Mr. Ventura?

22 A. Who?

23 Q. You don't know that woman?

24 A. I'm not interested in anyone's life. Why don't you bring
25 her here to testify?

1 Q. Mr. Ventura --

2 A. Oh, she was a citizen, so you didn't have her come and
3 testify, or is she illegal?

4 Q. Well, you seem to know.

5 She got into your car, didn't she, Mr. Ventura?

6 A. You see her car?

7 **THE COURT:** Mr. Ventura --

8 Q. She got in your car --

9 **THE COURT:** Mr. Ventura, again, you get to answer
10 the questions; not ask them.

11 **THE WITNESS:** No, she wasn't heading to my car, sir.
12 If she got in, I don't remember. I have so many girlfriends,
13 I don't remember.

14 **BY MR. CUNNINGHAM:**

15 Q. She got in your car, and you transported her down to this
16 brothel in Portsmouth, Virginia, Government Exhibit 28e/12,
17 right?

18 A. I don't know what you're talking about. You'd have
19 brought her to testify. If you knew, why didn't you bring
20 her? If you know -- knew she was a prostitute, you would have
21 brought her, or was it because she was a U.S. citizen, or she
22 said she wasn't a prostitute, and she had a license for
23 remodeling or something. She is --

24 Q. Mr. Ventura -- Mr. Ventura --

25 A. Is that why you didn't bring her to testify?

1 **THE COURT:** Mr. Ventura, please.

2 Q. You remember you were arrested on September 25th of 2009
3 by Detective Hartlove. Do you remember being arrested by
4 Detective Hartlove on September -- I misspoke. It was
5 September 24th of 2009. Do you remember?

6 A. I heard here that I was arrested. According to my
7 memory, I don't remember. Oh, yeah. Oh, I remember now. It
8 was a search warrant or a warrant from Washington for John
9 Lee. You did it to kind of do that trick so you can
10 investigate me. Yes, I remember. I was giving an estimate
11 there for a fence I was going to repair. I remember. I
12 remember.

13 Q. And, when you were arrested, you had this document in
14 your possession, Government Exhibit 13b/1, right?

15 A. No. I've never had it in my wallet. That guy over there
16 put it in my wallet. They're incredibly corrupt, and they do
17 whatever the hell they please.

18 Q. So Government Exhibit b/2, you didn't have this in your
19 possession either?

20 **THE REPORTER:** I'm sorry. b/2?

21 **MR. CUNNINGHAM:** Government 13b/2.

22 **THE WITNESS:** I don't know what that is. Explain it
23 to me.

24 **BY MR. CUNNINGHAM:**

25 Q. You didn't have that in your possession when you were

1 arrested?

2 (Witness speaking Spanish.)

3 **INTERPRETER GOLDSTEIN:** The interpreter would like
4 to tell Mr. Ventura he cannot ask the interpreter for
5 questions.

6 **THE COURT:** Yes.

7 **THE WITNESS:** So what is this b/2, sir,
8 Mr. Cunningham?

9 **BY MR. CUNNINGHAM:**

10 Q. Government Exhibit 28b/2, you're saying you didn't have
11 this document in your possession at the time?

12 A. No, sir. I don't remember.

13 Q. And, Government Exhibit 13b/3, you're saying you didn't
14 have this document in your possession?

15 A. No. Didn't have that either, sir.

16 Q. Now, Mr. Ventura, I'm going to show you --

17 A. I don't remember.

18 Q. -- a page from Government Exhibit 36a, and do you see
19 your name right here where the pen is? Is that your name?

20 A. But I'd like to see all of the documents, see what it
21 means before then answering your question. It could have been
22 that these guys made up those papers to bring them here to
23 show them. I want to see a signature or something from
24 someplace.

25 Q. Do you remember when you were arrested --

1 A. So many tricks that have been done in my case.

2 **THE COURT:** Mr. Ventura, again, quiet, please.

3 **BY MR. CUNNINGHAM:**

4 Q. Do you remember, when you were arrested, that you had two
5 telephones -- two cell phones in your possession? When you
6 were arrested on September 25th of 2009, do you remember --

7 A. I don't remember, sir.

8 (Witness speaking Spanish.)

9 **THE COURT:** Thank you, Mr. Ventura. We have your
10 answer to that question.

11 Next question, Mr. Cunningham.

12 **BY MR. CUNNINGHAM:**

13 Q. You heard the testimony of Detective Hartlove, correct,
14 Mr. Ventura?

15 A. He said something about he had seized them from Paisa or
16 something, and then he said, "Are they yours?"

17 He said, "These are yours," because he said they
18 were yours. And there were two cell phones.

19 (Witness speaking Spanish.)

20 **THE COURT:** Mr. Ventura, there is no question
21 pending. No answer was called for.

22 **BY MR. CUNNINGHAM:**

23 Q. And one of the cell phones had a number ending in 0903,
24 as on this page, right, Mr. Ventura?

25 A. I don't know. I've never seen that number.

1 Q. So the number 0903 associated with a telephone number and
2 a cell phone means nothing to you?

3 A. I do -- don't remember, but I do remember that my
4 daughter -- my sister-in-law had a [REDACTED] number, Alicia Susanna
5 Gonzalez. She had like about 20 prostitution houses --

6 **THE COURT:** Mr. Ventura, no question is pending. No
7 answer is necessary.

8 Q. And you don't remember changing your cell phone number
9 the day that El Pelon was murdered?

10 A. I don't know who Pelon is. I don't know what you're
11 talking about, but I do remember Susanna gave me a number, a
12 cell phone, [REDACTED]. But we're here on prostitution, right?
13 We're not here on murder, are we?

14 **THE COURT:** Mr. Ventura, no question is pending.

15 Q. Government Exhibit 41, do you know that guy?

16 A. Did you hear me, sir? I don't know anybody, and I don't
17 care about anybody's life. I've never seen anyone.

18 Q. You don't care about this guy's life at all, do you?

19 A. I said I don't know anybody. I've -- I have answered you
20 before that I don't know anybody. All that's missing here is
21 for you to point a gun at me to force me to say I do know him.

22 Q. I thought you had said you don't know and you don't care
23 about anybody.

24 A. That's what the attorneys said also. You don't know this
25 one, do you? If the answer is no, I don't know him, that's

1 the answer. I've never seen him in my life.

2 **THE COURT:** Thank you, Mr. Ventura. We have your
3 answer.

4 Q. Mr. Ventura, let me move to November 15th of 2010. Do
5 you remember you were arrested that day?

6 A. Did you say 15 November?

7 Q. I did.

8 A. Yeah. I remember when that guy hit me, and my neck's
9 still broken. I remember that, when no one read me my rights
10 and they continued to record me anyhow without my consent.

11 (Witness speaking Spanish.)

12 **THE COURT:** Mr. Ventura -- Mr. Ventura, no question
13 is pending.

14 **BY MR. CUNNINGHAM:**

15 Q. And, at the time, Mr. Ventura, you remember that a number
16 of items were taken from the Astrovan you were operating that
17 day, including these three cell phones, Government
18 Exhibits 20i/1, i/2, and i/3? Do you remember that?

19 A. I don't remember anything, sir. I think it was the woman
20 that had them with her that day. I don't remember anything.
21 I didn't have mine. Remember, you've had me in lockup for
22 seven months. My memory, you don't remember. They take me to
23 take a bath one day a month.

24 Q. So you seem to have --

25 A. Super Max, people.

1 Q. -- memory about --

2 A. Super Max.

3 **THE COURT:** Mr. Ventura --

4 Q. You seem to remember some things with great detailed
5 clarity, Mr. Ventura, and other things, you seem to have
6 difficulty remembering; is that the case?

7 **MR. RUTER:** Objection.

8 **THE COURT:** Sustained. Argumentive. Next question.

9 **THE WITNESS:** What are you talking about?

10 **THE COURT:** No answer is required, Mr. Ventura.

11 **BY MR. CUNNINGHAM:**

12 Q. Mr. Ventura, this was your phone the day that you were
13 arrested 15 November of 2010, right?

14 **MR. RUTER:** Objection. That was asked and answered.

15 **THE WITNESS:** I have never had crack phones.

16 **THE COURT:** Sustained. Sustained. No answer is
17 required, Mr. Ventura.

18 **BY MR. CUNNINGHAM:**

19 Q. Mr. Ventura, Government Exhibit 20b/1, this Santa Muerte
20 prayer, this was in your custody, right?

21 A. I don't know. I don't know what to tell you, yes or no.
22 These guys grab papers from all over the place to make me look
23 bad in front of the jury.

24 (Witness speaking Spanish.)

25 **THE COURT:** Mr. Ventura -- Mr. Ventura, you're

1 making a speech again. Wait for the question.

2 **BY MR. CUNNINGHAM:**

3 Q. So are you denying that you had this prayer in your
4 wallet, Mr. Ventura?

5 A. No, sir, I don't remember. There are so many things you
6 stick in a wallet. I don't remember. It could be that
7 sometimes I have prayers to God.

8 Q. Well, actually, on that subject, Mr. Ventura, since you
9 brought up the subject of religion and prayers, this
10 particular prayer is actually about bringing people to your
11 submission, right?

12 A. I haven't forced you to take me out of jail. If I were a
13 warlock, I'd have had you get me out of jail. I'm still in
14 jail.

15 Q. Well, Mr. Ventura --

16 (Witness speaking Spanish.)

17 **THE COURT:** Mr. Ventura -- Mr. Ventura, you're
18 speechifying again. Please wait until the question is asked,
19 then try to answer the question.

20 **BY MR. CUNNINGHAM:**

21 Q. Mr. Ventura, you heard the testimony about the
22 translation of this prayer that, on this document, is in
23 Spanish, and it says let the person you're praying against be
24 humbled, surrender to the soles of my feet. That's a prayer
25 bringing them under your submission, your control, right,

1 Mr. Ventura?

2 **MR. RUTER:** Objection, Your Honor. The document
3 speaks for itself.

4 **THE COURT:** Overruled. You may answer the question.

5 **THE WITNESS:** What is it that they translated? I
6 did not understand clearly. Something that I wrote of my own
7 hand, or something that was there already in the prayer?

8 **BY MR. CUNNINGHAM:**

9 Q. It was the translation of the whole prayer, Mr. Ventura.

10 A. How come they had time to translate that, and not to give
11 me time to get the papers translated so I can prepare for my
12 truth?

13 **THE COURT:** No, sir. You don't get to ask
14 questions; you get to answer them.

15 Q. Mr. Ventura, Government Exhibit 27f is -- excuse me.
16 It's 27t. I misspoke. This is the Santa Muerte statue, now
17 broken, that was found at your residence of [REDACTED] on
18 November 15, right?

19 A. I had one, but it wasn't broken, sir.

20 Q. Well, you heard the testimony that it got broken after it
21 was taken from you, right?

22 A. So then you broke it. You broke it, then. Yes, I bought
23 it for Halloween, and I put it there.

24 Q. And, all the little Santa Muerte statues that we saw that
25 were in all the brothels, did you buy them, too?

1 A. I'm sorry, but ask him, didn't he see spiderwebs when he
2 went to get those or costumes? No?

3 Q. I'm asking you the question, Mr. Ventura: Did you buy
4 all the little Santa Muerte statues that were shown in all the
5 brothels?

6 A. I don't know what brothels you're talking about. I never
7 knew about any prostitution, sir. I have seen many of the
8 little statues, because they are on University Boulevard.
9 There is a place where they sell little statues about
10 Santería. In Washington, they have the --

11 Q. And this is Government 27a. This is the Santa Muerte
12 statue as it was in your house, right, Mr. Ventura?

13 A. Turn on the light so I can see that. Please, I had a
14 light there.

15 Q. I'm not sure whether it's better with the light or
16 without the light.

17 A. That way, you can see it better. Yes. I had a lamp
18 there, but, on Halloween day, I took that away, and I put the
19 statue. I like it because it had the golden wings. So,
20 Mr. Cunningham, is it forbidden to have statues like this in
21 our own house, or are you telling me that --

22 **THE COURT:** Mr. Ventura -- Mr. Ventura, there is no
23 question pending. No answer is required.

24 Q. And, Mr. Ventura, Government Exhibit 19a/6, this is
25 actually a picture of the same Santa Muerte statue, isn't it?

1 A. Did you know that they made thousands of these, not just
2 one? I never had weapons. They arrested me, and they
3 searched my cars and everything, but they never found any
4 weapons that they talk about. Why didn't they bring it to
5 show to the public to say, "Look, this is the weapon that we
6 found on Mr. Ventura"?

7 (Witness speaking Spanish.)

8 **THE COURT:** Thank you, Mr. Ventura.

9 **BY MR. CUNNINGHAM:**

10 Q. Mr. Ventura, one of the things they found in your house
11 when they searched Government Exhibit 20j is this receipt for
12 the transmission of money to El Salvador. Do you see the name
13 that I'm pointing to right now?

14 A. My mother's name is Maria Ilaria Panera Ventura, and
15 there it only says Ilaria Ventura. I don't know. Do you know
16 that, in the Latin community, there are many Latin names that
17 are the same? The names that you -- you have to show the
18 other last name -- the other name.

19 Q. Okay.

20 A. That's why we Latin people have two names. I don't know
21 what you're talking about, sir.

22 Q. Well, in fact, you have lots of different names, don't
23 you, Mr. Ventura?

24 A. That's what you say.

25 Q. Well, people know you as Chino, right?

1 A. That's what you say. Well, my mother called me Chineto
2 (phon) when I was little -- my mother. Most of the people --
3 but how many Chinos are there in Latin America, or in America?

4 Q. Well, I'm just saying --

5 A. Are there that many Chinese Chinos, or not many Chinos?
6 In China, everybody is Chinese.

7 (Witness speaking Spanish.)

8 **THE COURT:** Thank you, Mr. Ventura. Wait for the
9 question.

10 **BY MR. CUNNINGHAM:**

11 Q. Mr. Ventura, when you were living at [REDACTED] in
12 November of 2010, which you say was the second place you lived
13 in the United States, right?

14 A. Yes. I think so, yes.

15 Q. And you lived there with Yenis Ruiz, right?

16 A. Yes. And [REDACTED] and [REDACTED], my two children, nobody
17 else.

18 Q. Nobody else, and so it was the four of you, and --

19 A. No.

20 Q. -- and, actually, [REDACTED], your son, is your son, right?

21 A. Yes. And the spirit of Mr. Kelly was all the time around
22 my house, and Hartlove with his camera. I couldn't even go
23 out and cook because they were out there with their cameras.

24 (Witness speaking Spanish.)

25 **THE COURT:** Thank you, Mr. Ventura.

1 **THE WITNESS:** The good thing is I had --

2 **THE COURT:** Thank you, Mr. Ventura.

3 **BY MR. CUNNINGHAM:**

4 Q. And, Mr. Ventura, [REDACTED] was born in September of 2004.
5 He's eight years old right now, correct?

6 A. I think so, yes.

7 Q. And [REDACTED] was born in October of 2007. He's five right
8 now, going on six, right?

9 A. You're not going to put them in my conspiracy as well.
10 You're not going to say that they were distributing cards,
11 right, because you saw them with --

12 **THE COURT:** Mr. Ventura, thank you. Thank you. No
13 question is pending.

14 **MR. CUNNINGHAM:** Thank you, Your Honor.

15 **BY MR. CUNNINGHAM:**

16 Q. And their mother, Yenis Ruiz, she was born in September
17 of 1984. She's currently 28, right?

18 A. It may be so, maybe not. As I told you, I'm not
19 interested in other people's lives, and I don't want to give
20 information about my family to anybody.

21 Q. Well, have you, in the -- since I guess when Mr. Ruter
22 asked you early on how old you were, have you had an
23 opportunity to think over your age and the date you were born?

24 A. Do you need my date of birth?

25 Q. Well, in fact --

1 A. [REDACTED], '78, sir.

2 Q. Right. You're 35 years old, right?

3 A. If that's what the count is, yes.

4 MR. CUNNINGHAM: I'm sorry. If that's -- I didn't
5 hear what --

6 INTERPRETER KIRCHGESSNER: "What the count says."

7 BY MR. CUNNINGHAM:

8 Q. Well, that's actually your birthday, isn't it,
9 Mr. Ventura?

10 A. That's right.

11 Q. And you actually knew that when Mr. Ventura asked you,
12 didn't you? I mean when Mr. Ruter asked you. I apologize.

13 A. Yes.

14 Q. So let me go back to this. Government Exhibit 20j was
15 this receipt we talked about. This was found in your house
16 when the police searched it, [REDACTED], on November 15th,
17 2011.

18 A. I don't know what you're talking about, sir. I never had
19 the name Oscar.

20 Q. Oh, so you've never -- that's not one of your -- that's
21 not one of the names you go by, huh?

22 A. Were you there when they did a search of my house?

23 Q. I'll remind you: I'm asking the questions, Mr. Ventura.

24 A. Oh, okay. I'm answering, sir. No, it's not me.

25 Q. And Government Exhibit 20l, this document was found at

1 your house.

2 A. Also in my house.

3 Q. Is that yours, Mr. Ventura?

4 A. I'm comparing the handwriting. I would like the public
5 to see, this my handwriting --

6 Q. I don't think the jury can see, Mr. Ventura. You're
7 saying this isn't your document?

8 A. No. This is my handwriting, sir.

9 Q. No, I'm talking about the exhibit that the jury can see
10 now.

11 A. No, no. The agents have tried to -- no, no. The
12 agents --

13 (Witness speaking Spanish.)

14 Q. Mr. Ventura, do you remember, the day you were arrested,
15 this woman was in the same van with you, Government
16 Exhibit 20q? Do you remember her?

17 A. So you're going to tell me that I tried to sell this
18 woman as well? You know she's almost my mother's age? Did
19 she tell you what happened when they arrested her?

20 Q. Mr. Ventura, I simply asked you the question: This woman
21 was in your van when you were arrested on November 15th?

22 A. When I was on New York Avenue, I was looking for the
23 police because they were following me. Hartlove was in the
24 Dodge Caravan, and they were following me to kill me. So they
25 know that they -- I stopped at the police on New York and 5th

1 Street, N.W.

2 (Witness speaking Spanish.)

3 **THE COURT:** Thank you, Mr. Ventura. Thank you,
4 Mr. Ventura. Question?

5 **BY MR. CUNNINGHAM:**

6 Q. So you don't know how this woman came to be in your van
7 that day?

8 A. I'm going to explain.

9 Q. How did the woman get in your van that day?

10 A. I stopped at the McDonald's looking for the police,
11 because they were following me, and so I saw this woman. This
12 woman stopped me and asked me, "Sir, do you speak Spanish?"

13 I said, "Yes," because -- and she asked me if I
14 could give her a ride. Are you going to tell me she's a
15 prostitute, too? This is abuse.

16 Q. So the fact --

17 A. This is a grandmother. Are you going to charge her with
18 prostitution? That's rude. That's rude.

19 Q. So, Mr. Ventura, the fact that your telephone number was
20 in her telephone and she had called you numerous times that
21 day is just a case of your bad luck?

22 A. I don't remember what you're talking about, sir. Why
23 didn't you bring her to testify?

24 Q. You didn't talk to this woman at all; is that what you're
25 saying?

1 A. That day, I gave her a ride. I said, "Yes, I'll give you
2 a ride." I took her to --

3 Q. And your testimony is that you never --

4 **MR. CUNNINGHAM:** I'm sorry.

5 **INTERPRETER KIRCHGESSNER:** I'm sorry.

6 **THE WITNESS:** I took her to the metro station, and
7 the cars were still behind me. I continued going straight
8 looking for another police station on 50th. I took -- I
9 turned on Exit 23, because I know there is a Wendy there.
10 There is a diner there, too, and there is always police there.
11 And I told this lady, "I'm going to leave you here, because
12 they're following me, and I don't know if they are robbers or
13 what. I'm going to look for a police."

14 And she got nervous because she said she was coming
15 again back into the country, and she was illegal. She had
16 been deported. So I said, "I'm going to leave you here."
17 When I was going to leave her there, that's when they stopped
18 me, gentleman here. I was on Exit 23 towards Washington. I
19 was --

20 **BY MR. CUNNINGHAM:**

21 Q. Mr. Ventura --

22 A. I was three days in the coma, sir, because of the beating
23 that this gentleman did, and I wrote and I reported that, but
24 no justice was done.

25 **THE COURT:** Thank you, Mr. Ventura. Question.

1 **MR. CUNNINGHAM:** Yes.

2 **BY MR. CUNNINGHAM:**

3 Q. Mr. Ventura, so, to come back to the question I asked
4 you, it's just your bad luck that your phone number was in her
5 cell phone, and there were numerous calls between your phone
6 and her phone? That's just your bad luck, right?

7 **MR. RUTER:** Objection.

8 **THE COURT:** Sustained as to form.

9 **BY MR. CUNNINGHAM:**

10 Q. Do you have an explanation as to why your phone number
11 was in her phone and numerous calls had been made from her
12 phone to your phone? Do you have an explanation?

13 A. Sir, they have tricks with technology. It could be that
14 you or Hartlove or one of you put those numbers in there as a
15 trick with technology. I have never seen this grandmother in
16 my life. I gave her a ride. She asked me for a ride that
17 day, and I'm the kind of person that will give anyone a ride
18 who needs one. But, if you're sure that she was a prostitute,
19 then you should have brought her here. You should have
20 brought her here, gentlemen.

21 Q. So all of the women that we saw in all of the
22 surveillance photos that we see getting into or out of your
23 cars, you were just transporting those people?

24 (No Spanish interpretation given.)

25 A. As far as I remember, I've never been arrested with women

1 in my car. I don't know what you're talking about.

2 Q. Well, you saw the surveillance photos that we went
3 through with a number of witnesses, right, Mr. Ventura? Did
4 you see the surveillance photos?

5 A. Where I'm outside. Did you see a woman inside my car?
6 Did you take a picture of me --

7 **THE COURT:** Mr. Ventura --

8 A. -- collecting money?

9 **THE COURT:** Mr. Ventura, you're asking questions
10 again, not answering them.

11 **THE WITNESS:** I don't know what you're talking
12 about, sir.

13 **BY MR. CUNNINGHAM:**

14 Q. You didn't see the photos that showed women in your car
15 or getting out of your car or getting into your car? You
16 didn't see any of those surveillance photos that were shown to
17 the jury?

18 A. I saw them. You mean I can't give a ride to anyone? Are
19 you saying that that's a whore, then? Be careful. Any woman
20 who might get in my car might get charged with prostitution.
21 That's awful. When these people are making up --

22 **THE COURT:** Thank you, Mr. Ventura. Thank you,
23 Mr. Ventura.

24 Q. Mr. Ventura, speaking of all the photos that you saw, you
25 saw the images that were taken at the [REDACTED] in

1 September of 2008. Remember seeing those pictures?

2 (No Spanish interpretation given.)

3 A. I was able to see them, and I heard mention of [REDACTED]
4 but I don't even know what [REDACTED] is.

5 Q. Well, you saw these pictures, right? You saw all of the
6 pictures that were displayed to the jury, right?

7 A. But did you understand me? I've never even been to
8 [REDACTED]. Have you seen a photo where I'm there?

9 Q. Well, you recognized that all of those locations --
10 [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] over in
11 Easton, all of those are brothels, right, Mr. Ventura?

12 A. I couldn't respond "yes" or "no" to you.

13 Q. Well, you've been in brothels plenty of times; have you
14 not, Mr. Ventura?

15 A. From your mouth, it's been said, yes, but I've never been
16 in any one of those brothels. Why would I go so far away when
17 I have plenty here in Washington that's really close? I can
18 just go in, pay, and I'm done. And, if you saw me inside, why
19 didn't you arrest me? That's a huge amount of evidence right
20 there. And right there, you have the women, you have the
21 people that take care of them, and, if I'm there, you could
22 have arrested me there.

23 (Witness speaking Spanish.)

24 **THE COURT:** Thank you, Mr. Ventura.

25 **THE WITNESS:** If I --

1 **THE COURT:** Thank you, Mr. Ventura. Question?

2 **BY MR. CUNNINGHAM:**

3 Q. My question to you, Mr. Ventura, was: Having been in
4 lots of brothels, you recognize that all of those places are,
5 in fact, and were, in fact, operating as brothels at the time
6 those pictures were taken? They were brothels, right?

7 A. I can't answer you on that, sir, because I'm not
8 interested in the private life of others. I'm interested in
9 my life. If you had caught me inside, I would explain that to
10 you, but you've never caught me in any one of those places.

11 (Witness speaking Spanish.)

12 **THE COURT:** Thank you, Mr. Ventura. Thank you.

13 Question.

14 **BY MR. CUNNINGHAM:**

15 Q. Now, Mr. Ventura, you actually met Rebeca Dueñas in a
16 brothel, right?

17 A. Yes. In Washington -- no. You see how you're confusing
18 the public? I did not meet her in a brothel, sir. I said I
19 had met her in Galaxy, and during a public scandal. I took
20 her to her house with the girlfriend that I had. That's what
21 I told you.

22 **INTERPRETER BLUMBERG:** Interpreter corrects.

23 **THE WITNESS:** That's what I said.

24 **MR. CUNNINGHAM:** Okay.

25 **THE WITNESS:** And then there was the matter of

1 Salim, remember? Is that clear?

2 **BY MR. CUNNINGHAM:**

3 Q. Okay. I understand what you're saying.

4 The girlfriend you were referring to that was with
5 you, was that Yenis Ruiz?

6 A. I'm sorry, sir, but that's really none of your business.
7 I don't give personal information about my life to anyone, but
8 I said Wendy.

9 Q. So the mother of your children, Yenis Ruiz, was at home
10 at [REDACTED], and you were out with your girlfriend; is that
11 correct?

12 A. That's my private life. Stick to the question. It's not
13 really your business if my wife is eating, going to -- if
14 she's eating, giving a bottle to the baby, going to the
15 bathroom. That's really not a matter of your concern. Please
16 stick to the question, sir, about criminal issues. My wife,
17 Yenis Ruiz, was never mentioned.

18 Q. Well, in fact, Mr. Ventura, to be clear, you've never
19 been married to Yenis Ruiz, have you?

20 (No Spanish interpretation given.)

21 A. No.

22 Q. It wasn't hard to understand that, was it?

23 A. No.

24 Q. And, in fact, the woman that you were, I suppose, married
25 to was an individual that you used to try to obtain

1 Immigration status, correct?

2 MR. RUTER: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: I don't know what this man is talking
5 to me about.

6 BY MR. CUNNINGHAM:

7 Q. Well, you were married to a woman named Myra Blanco,
8 right?

9 MR. RUTER: May we approach, Your Honor?

10 THE COURT: Come up.

11 THE WITNESS: That's not a question.

12 (Whereupon, the following discussion occurred at the
13 bench.)

14 MR. RUTER: Your Honor, I wasn't sure if we were
15 going to be getting into 404(b) material through an alleged
16 Immigration fraud case, which I think is where this is headed.

17 MR. CUNNINGHAM: Judge, with all due respect, I
18 think that hardly begs a response. I mean, we had the
19 testimony on direct as to, you know, status and his legality
20 in the United States. I mean, he's -- you know, I don't think
21 I'm going to get a truthful answer, but the fact of the matter
22 is that ICE concluded that it was a fraudulent marriage, and
23 it essentially made him deportable.

24 THE COURT: It might be said by some to have some
25 bearing on credibility, Mr. Ruter.

1 **MR. RUTER:** Very well.

2 **MR. MONTEMARANO:** Well, Your Honor, while we're
3 here --

4 **THE COURT:** But I really appreciate you stopping it
5 and coming to the bench.

6 **MR. RUTER:** Your Honor, I'm not succeeding.

7 **THE COURT:** I know, but I really appreciate this
8 little interlude. Yes, Mr. Montemarano?

9 **MR. MONTEMARANO:** Well, let's enter a little longer.
10 I just want -- when Mr. Ruter mentioned Immigration fraud, I
11 just thought I would reiterate that we're not going near the
12 Virginia conviction, are we, of my client?

13 **MR. CUNNINGHAM:** No.

14 **MR. MONTEMARANO:** All right. I hear those magic
15 words, and my ears perk up.

16 **MR. CUNNINGHAM:** No. No. I -- he doesn't know your
17 client, so --

18 **MR. MONTEMARANO:** Of course.

19 **THE COURT:** That's your ultimate protection, yes.

20 **MR. MONTEMARANO:** How foolish of me to inquire.

21 Thank you, Your Honor.

22 **THE COURT:** How much more you got, Mr. Cunningham?

23 **MR. CUNNINGHAM:** Ten minutes, Judge.

24 **THE COURT:** Thank you.

25 **MR. MONTEMARANO:** Alleluia.

(Whereupon, the bench conference was concluded.)

BY MR. CUNNINGHAM:

Q. So, Mr. Ventura, you were married to -- and, in fact, may still be married to Myra Blanco, right? She's the woman that you married back in May of 2000, right?

A. A question for you, sir. Excuse me. I understood what the Judge told me. Are we talking about Immigration statutes here, or prostitution?

THE COURT: Please answer the question. Again, you don't get to ask the question. What is your answer?

THE WITNESS: Could you repeat the question, sir?

BY MR. CUNNINGHAM:

Q. Yeah. You were married to this woman named Myra Blanco in May of 2000, right?

A. Yes, a very beautiful, dark-skinned woman. I hope Kelly doesn't get close to her.

MR. CUNNINGHAM: Your Honor, I would move to strike that and ask you to admonish the jury that, at this point in time, those kinds of comments are just outrageously inappropriate.

THE COURT: I think the jury is aware of that, but, for those who might not be, I will instruct them to give no evidentiary value to that response.

MR. CUNNINGHAM: Thank you, Your Honor.

BY MR. CUNNINGHAM:

1 Q. And this woman, Myra Blanco, was a Dominican by birth,
2 but a naturalized U.S. citizen when you married her, right,
3 Mr. Ventura?

4 A. Excuse me. Was that in my Indictment, or was it never --

5 Q. I'm asking the questions, Mr. Ventura.

6 A. So you're telling me that questions can be asked of me
7 that were never in my Indictment and not included in the
8 discovery to allow me --

9 **THE COURT:** You're asking questions again, sir.
10 Again, you do not get to ask questions in this proceeding.

11 **THE WITNESS:** Your Honor, please let me sit down in
12 that chair, because this is private. It's about my family and
13 my life.

14 **THE COURT:** As soon as --

15 **THE WITNESS:** I'm --

16 **THE COURT:** As soon as you finish your answers, you
17 will get an opportunity to return to your chair. If you wish
18 to get there quickly, answer the questions quickly.

19 **THE WITNESS:** The truth is I don't want to answer
20 this guy, because he's asking me questions that are not in my
21 Indictment. This is a violation of my rights.

22 **THE COURT:** As much as I appreciate your legal
23 opinion, sir, please restrict your answers to the questions
24 that are asked by Mr. Cunningham.

25 **BY MR. CUNNINGHAM:**

1 Q. After that long dialogue, Mr. Ventura, I'm sorry, I
2 probably forget my own question.

3 **THE COURT:** Then that has not been in vain.

4 Q. Mr. Ventura, in 2006 -- in 2006, you actually petitioned
5 Immigration Service for legal status based on your legitimate
6 marriage to that woman, right?

7 A. No. I went in 2001 to get my residency in my country and
8 came back. It was for my green card, and I came back to the
9 U.S.

10 Q. And --

11 A. After that, the man who is over there reported me to
12 Immigration because of this investigation and put a stop on my
13 immigration status for 16 years. I was only given a renewal
14 on a yearly basis of my residency, and this was their plan to
15 keep me here so that I wasn't able to get out with what they
16 called the bail bond, because the young lady was afraid that I
17 would escape the U.S. I've always worked using those
18 documents, and I believe they're legal.

19 (Witness speaking Spanish.)

20 **THE COURT:** Thank you, sir. Thank you. No question
21 is pending.

22 **BY MR. CUNNINGHAM:**

23 Q. So, Mr. Ventura, to go back to what my point was, in
24 2006, you petitioned U.S. Citizenship and Immigration Services
25 for immigration status based on your marriage to this woman in

1 2006? I'm going to show you what I've marked as Government
2 Exhibit 40 --

3 A. I don't remember what this guy is talking about. I know
4 that Immigration rejected, and I hired Anumpo Chapa (phon) to
5 help me with this case. Every time I called, Immigration
6 denied me information about my documents, but this man had
7 something to do with my documents.

8 Q. So, way back in 2006, this -- Government Exhibit 42 is
9 when U.S. Citizenship and Immigration Services denied your
10 petition basically saying that your marriage was a fraud,
11 right? Do you want to see the document?

12 **MR. RUTER:** Your Honor, continuing objection.

13 **THE WITNESS:** I don't remember having seen this.

14 **MR. RUTER:** Objection to the entire line.

15 **THE COURT:** You have it.

16 **THE WITNESS:** A letter of this type --

17 **MR. RUTER:** Thank you.

18 **THE WITNESS:** -- had never come to me,
19 Mr. Cunningham. I have proof in my taxes that I have worked
20 legally for companies.

21 **BY MR. CUNNINGHAM:**

22 Q. And so, in 2000 --

23 A. I've never moved from my house. If I were illegal, as
24 these people say, then I would have been deported sometime ago
25 already. How could an illegal person get a license, do their

1 taxes, work for the federal government, like I did in
2 Washington, D.C., which is all federal government? There,
3 they check your Immigration status.

4 Q. Well, let me ask you --

5 A. I've never seen that letter, or I don't remember, but
6 it's never come to me.

7 Q. So your story that, when -- in 2006, when you were
8 telling the Immigration people that you were legitimately
9 married, the fact that you had had two children with Yenise
10 Ruiz or, actually, maybe just one at that point in time, that
11 was just a coincidence, too?

12 A. Do you know how many women I've had, sir, and children?

13 Q. No, and I don't want to.

14 A. Because it would be good for the public to hear that,
15 right? You're trying to say that I committed fraud. It's not
16 a crime to have women, or is it? Help a woman, form a home, I
17 don't think that's illegal. To have women, that's not
18 illegal. And I'm married with a woman, and, at [REDACTED]

19 [REDACTED], I may have --

20 **THE COURT:** Thank you, sir.

21 **THE WITNESS:** -- a house.

22 **THE COURT:** No further answer is required.

23 Next question.

24 **BY MR. CUNNINGHAM:**

25 Q. Mr. Ventura, let me just finish up here with questions

1 about Rebeca Dueñas.

2 A. No. Keep digging around in Immigration trying to get me
3 kicked out of my house. Now I understand how they got my
4 documentation -- how my documentation was stopped. Keep
5 digging.

6 Q. Mr. Ventura, after meeting Rebeca at the nightclub,
7 either the next time you met her or the one after that was
8 when you had sex with her in a brothel, right?

9 (No Spanish interpretation given.)

10 A. That's right.

11 Q. And she basically expressed a desire that you help her,
12 right?

13 A. Is it that this man doesn't understand, or is not
14 listening to what I've said?

15 (Witness speaking Spanish.)

16 **THE COURT:** Mr. Ventura, you're making a speech
17 again. Answer the question.

18 **THE WITNESS:** I can't answer that question because
19 he's mistaken in the way he's asking. So could you please be
20 more specific? Ask your question properly.

21 **BY MR. CUNNINGHAM:**

22 Q. There came a time when you had sex with her in a brothel,
23 right?

24 A. Yes. I paid to go be with her.

25 Q. And then she told you she wanted to get out of that

1 brothel, right?

2 A. No. No, sir. She gave me her number, and I was
3 surprised when I saw it. I didn't know she was a prostitute.
4 She gave me her number, and I gave her mine, because she asked
5 me for it.

6 Q. Well, you just said you had sex with her for money, and
7 you didn't know she was a prostitute?

8 A. Excuse me. Do you understand me, or not?

9 **THE COURT:** Again --

10 **THE WITNESS:** I went to the place, and I was
11 surprised to see her there, and I paid the doorman, as you
12 call it, and I went to be with her, and we had sex.

13 **BY MR. CUNNINGHAM:**

14 Q. And she -- Ms. Dueñas Franco was a young girl at the
15 time, and she was very pretty, and you were attracted to her,
16 right?

17 A. Sir, I never ask ladies their age. That's very rude, at
18 least the way I was raised. I never ask them.

19 (Witness speaking Spanish.)

20 Q. I guess it's good you draw the line somewhere, right,
21 Mr. Ventura?

22 **MR. RUTER:** Objection.

23 **THE COURT:** Overruled. He was owed that one.

24 **MR. RUTER:** Withdrawn.

25 **BY MR. CUNNINGHAM:**

1 Q. And you learned that Rebeca Dueñas was from a small
2 farming community in Guatemala, right?

3 A. I never went to visit her people, so I couldn't respond
4 to that. When I went to her, we didn't talk about her private
5 life.

6 Q. And --

7 A. Ask a better question to move on.

8 Q. Well, Mr. Ventura, Rebeca Dueñas, you found out that she
9 didn't really have much of an education, right?

10 A. This guy doesn't understand. I didn't talk to her, and
11 she didn't talk to me about her private life when I met her.
12 Where did you get that?

13 Q. Mr. Ventura, eventually you had a relationship with this
14 woman, right?

15 A. No. We're talking about when I first started getting to
16 know her. We never talked about private things.

17 Q. Well, eventually, Mr. Ventura, you learned these things
18 about her, right?

19 A. Once she got pregnant, I did find out. She wasn't able
20 to write to fill out the forms that the doctor was giving her,
21 and she couldn't sign. That was the first time when she had
22 the miscarriage. And I began to teach her. And she did learn
23 a lot in Spanish.

24 Q. And you were there to help her, right, Mr. Ventura?

25 A. On occasion, but we never really lived -- how could I

1 explain it? We didn't live like a married couple.

2 Q. You --

3 A. Towards the end, when she was pregnant, then we became
4 more like boyfriend and girlfriend, and we wanted to have more
5 of a formal, serious relationship.

6 Q. And, in addition to saving her life, you introduced her
7 to nice things in life, like taking her to the beach, right?

8 A. This guy really doesn't understand me. God bless you.
9 When I saw her at the beach or when I --

10 **INTERPRETER BLUMBERG:** Interpreter corrects.

11 **THE WITNESS:** When I took her to the beach, sir, she
12 had not had the miscarriage yet. I took her first to Sandy
13 Point. I like to fish, and, when I was fishing, she was
14 jumping around in the water like a little fish because she'd
15 never seen the beach before. She got into the water and came
16 out very pleased, and it really hurt me to see that no dog
17 could take her to the beach either.

18 **BY MR. CUNNINGHAM:**

19 Q. And, in addition -- well, you took her to the beach a
20 couple of times, then, because she liked it so well, right?

21 A. Yes, I took her once, and then the second time to Ocean
22 City, and she didn't want to leave. I had to take her out of
23 the water. She didn't want to get out of the water.

24 Q. She was having a pretty good time with you, right?

25 A. No. She was the one who was swimming, coming in and out,

1 and I was just sitting on the sand watching her.

2 Q. That's what I mean. She was having a good time, right?

3 A. Is that a crime? Did that mean that I'm hitting on her
4 or beating her up, because I took her to the beach so she
5 could have a good time?

6 (Witness speaking Spanish.)

7 **THE COURT:** Again, sir -- again, Mr. Ventura, quiet,
8 please. You are not to ask questions; you are to answer them.

9 **THE WITNESS:** I have to explain to the people, sir.

10 **THE COURT:** No, no. You have to answer the
11 questions.

12 **THE WITNESS:** He's asking questions like he wants to
13 take me to my coffin.

14 **BY MR. CUNNINGHAM:**

15 Q. And, Mr. Ventura, the whole time that you were being nice
16 to Rebeca and took her to Sandy Point and Ocean City and then
17 Virginia Beach, she was continuing to be a prostitute?

18 A. That's a good question that you're asking me.

19 Q. Maybe you'll give me an answer.

20 A. That's a funny joke.

21 **INTERPRETER BLUMBERG:** Oh, the interpreter corrects.

22 **THE WITNESS:** Because now finally you're speaking
23 nicely. Okay.

24 **BY MR. CUNNINGHAM:**

25 Q. Sir, my only question is this. The whole time this is

1 happening, she continues to work as a prostitute?

2 A. I didn't know. At that time, we were friends. We were
3 just friends, going out as friends. I like to fish. I think
4 that guy found a lot of hooks in my house. You remember the
5 fishing poles in my house? And they were in the kitchen.

6 Q. Mr. Ventura, come back to the question.

7 A. I'm just explaining, sir. While I was fishing, she was
8 bathing. And, if you want to ask if we made love, we did.
9 But I don't know if she was still working or not. She was
10 living with her female friend at the time, someone named
11 Bonnie, and the friend was there, too.

12 Q. And eventually she got pregnant, and she had this
13 pregnancy that was a problem pregnancy, and you took her to
14 the hospital, right?

15 A. Sorry. Did you say prostitution? You said brothel?

16 Q. I said she got -- you continued to have a relationship,
17 she got pregnant, there was a problem with the pregnancy. You
18 took her to the hospital, right?

19 A. Yes, sir.

20 Q. And --

21 A. I don't think that's a crime. You're not going to give
22 me 20 or 30 years for that, are you, for saving her life, or
23 are you?

24 Q. And then that's when you told her that she absolutely had
25 to stop being a prostitute, right? It was either you, or

1 prostitution, right?

2 A. But you haven't told me what time. All you want is "yes"
3 or "no," "yes" or "no," so that you can just set it different
4 for the public here. It's a big difference between that time
5 and the other time. It's a big difference in time.

6 Q. And the Court --

7 A. And the time that we're talking about now is 2010 when
8 the relationship was serious. I can't deny she would call me,
9 called me many times, and I didn't want to go out with her.
10 I -- what I said was I didn't like it when she called me at
11 night, because I was with my wife. She would just call me
12 when --

13 **INTERPRETER GOLDSTEIN:** I'm asking the witness to
14 please let me finish the answer in English for the record.

15 **THE COURT:** Thank you. Yes.

16 **THE WITNESS:** The only time she called me was when
17 she was drunk.

18 **BY MR. CUNNINGHAM:**

19 Q. And so the fact that she continued to work as a
20 prostitute was against your wishes; is that what you're
21 saying?

22 A. Sir, let me make it clear. When I was at the beach with
23 her, I don't go around asking women whether they're in
24 prostitution or not.

25 (Witness speaking Spanish.)

1 **THE COURT:** Mr. Ventura, you've lost the question.

2 Now, please wait until the question is put.

3 **BY MR. CUNNINGHAM:**

4 Q. And you had nothing whatsoever to do with operating
5 brothels or being involved in prostitution?

6 (No Spanish interpretation given.)

7 A. No, sir. Haven't you seen my taxes?

8 Mr. Ruter, can you show my tax clips?

9 **THE COURT:** Thank you, Mr. Ventura.

10 **MR. CUNNINGHAM:** I have nothing further, Your Honor.

11 **MR. RUTER:** No redirect.

12 **THE COURT:** Thank you. You may step down, sir.

13 (Witness excused from the stand.)

14 **MR. MONTEMARANO:** For the record, Your Honor, there
15 won't be any cross by Mr. Fuertes.

16 **THE COURT:** You're waiving?

17 **MR. MONTEMARANO:** Oh, yeah.

18 **MR. RUTER:** And Mr. Ventura would rest, Your Honor.

19 **THE COURT:** Thank you. I assume you're renewing,
20 Mr. Ruter; is that correct?

21 **MR. RUTER:** I am, sir, yes.

22 **THE COURT:** Incorporating all previous arguments?

23 **MR. RUTER:** Please.

24 **THE COURT:** Same result.

25 **MR. RUTER:** Thank you.

1 **MR. MONTEMARANO:** Yes, Your Honor.

2 **THE COURT:** Okay.

3 Members of the jury, as you can tell, we're not
4 going to get to closing arguments today. So the parties have
5 told me that their closing arguments will take almost three
6 hours. My instructions will take a bit over one hour, so
7 we're talking about four hours.

8 I want you to confer among yourselves and tell me
9 whether you want to start tomorrow morning with arguments and
10 then instructions, or whether you want to have a semblance of
11 a normal trial week, which would begin next Monday. Please
12 confer among yourselves and tell me what your decision is.

13 Give me the husher, please.

14 (Jurors conferring.)

15 **THE COURT:** Belinda? Yes?

16 **JURORS:** Tomorrow.

17 **THE COURT:** Very good. Please be in place at about
18 9:25. We will get started at 9:30 with the Government's
19 opening, which is their first argument. They go first
20 because, as I said, they have the burden of proof. Then we
21 will hear from the Defense, then a Government rebuttal, and
22 then I will give you instructions on the law, and the case
23 will be given to you for your decision.

24 Thank you. Please remember: Don't discuss the case
25 among yourselves or with anyone else. Have good evenings, and

1 I'll see you tomorrow morning at 9:30.

2 Thank you.

3 **JUROR:** Thank you. You, too.

4 **THE COURT:** Good night.

5 (Jury excused.)

6 **THE COURT:** You all may be seated.

7 Mr. Montemarano, as you know, Count 6 is a reckless
8 disregard standard, and, interestingly, of course, it is
9 related to time. It became effective -- again, statutorily
10 effective on December 23rd, 2008. The Government has alleged
11 conduct in Count 6 that predates December 23rd, 2008, and
12 comes after December 23rd, 2008.

13 We have amended the instruction. You'll get a copy
14 of it now, and you'll see how it's handled. We also, just for
15 clarity, amended the verdict form to divide the Count 6
16 verdict into a pre December 23rd, 2008/post December 23rd,
17 2008 question. In any event, you'll see it tonight, and I'll
18 take any comments you have tomorrow before we start the
19 arguments.

20 **MR. MONTEMARANO:** So the jury instruction will be
21 filed online for us to access?

22 **THE COURT:** I think we have copies?

23 **LAW CLERK:** It might take five or ten minutes.

24 **THE COURT:** Or which is easier? Filing online?

25 **LAW CLERK:** I'm sorry?

1 **THE COURT:** Which is easier for you?

2 **LAW CLERK:** I can e-mail them.

3 **THE COURT:** Okay. She'll e-mail them to you.

4 **MR. MONTEMARANO:** Thank you, Your Honor.

5 **THE COURT:** Anything else, folks?

6 **MR. MONTEMARANO:** Thank you, Your Honor.

7 **THE COURT:** Good night.

8 **THE CLERK:** All rise. This Honorable Court stands
9 in recess until tomorrow morning.

10 (Proceedings adjourned.)

11

12

13 I, Martin J. Giordano, Registered Merit Reporter and Certified
14 Realtime Reporter, certify that the foregoing is a correct
15 transcript from the record of proceedings in the
16 above-entitled matter.

17

18

19 _____
Martin J. Giordano, RMR, CRR

Date

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